

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACC

10000/101/448
(VOL. II)

Declassified E.O. 12356 Section 3.3/NND No. 785015

10000/101/448
(VOL. II)

PRISONERS OF WAR
MAR. - MAY 1944

LIST OF PAPERS

File under No. 3836

PRISONERS OF WAR

(2)

HO AGC, APO 394
Sec'y Gen.

B

Declassified E.O. 12356 Section 3.3/NND No. 785015

SERIAL NUMBER	FROM-	DATE	TO-	SYNOPSIS
37) FATIMA 2311	GEPA	20 MARCH	TROOPERS	TEXT (SEE ENCL 33) GIVEN TO GAZZERA
38) "	GAZZERA	19 "	MAC FARLANE	THANK FOR (35) TEST BEING STUDIED.
39) CC/P/147	MAC FARLANE	22 "	GAZZERA	FINANCIAL PROBLEM CAN WAIT UNTIL MAIN PW PROBLEM IS SETTLED
40) 20/P	GAZZERA	23 "	MAC FARLANE	READY FOR ANOTHER CONFERENCE.
41) FATIMA 2427	GEPA	22 "	TROOPERS	IT GOVT STILL CONSIDERING WILL RETURN COM.
42) " 2472	"	23 "	"	WIRE ME NO. DATE OF CCS ORDER TO AFHQ
43) "	"	"	"	DRAFTS OF PW AGREEMENT
44) #23	GAZZERA	24 "	"	NOTA VERBALE - IT OBSERVATIONS RE AGREEMENT
45) FATIMA 2404	JEPP	26 "	TROOPERS	IT GOVT STILL OBJECTS TO PW STATUS
46) CC/P/157	MAC FARLANE	27 "	GAZZERA	COMMENTS INFORMALLY ON (44)
47) P/58/CC	"	28 "	BADOLLO	IMPASSE HAS BEEN REACHED. SHALL I INFORM MY GOVERNMENTS THAT FURTHER TALK WOULD BE FINISHED W/ GAZZERA, BUT MORE FOR INFO WORD FM. BADOLLO
48) M/127	"	29 "	FREEDOM	STILL OBJECTING TO PW STATUS
49) #941	BADOLLO	29 "	MAC FARLANE	APPRECIATE MR. MICHING'S BUT MUST DECIDE ONE WAY OR ANOTHER
50) CC/P/164	MAC FARLANE	31 "	BADOLLO	ULTIMATUM (SENT OR NOT ???)
51) "	GEN GEPA	"	GAZZERA	BRIEF NOTES FOR CC. FOR TALK W/ BADOLLO
52) "	"	31 "	"	COMMENT ON IMPASSE
53) 83201201	MR MAC MILLAN	1 APRIL	GEN MAC FARLANE	WHAT ARE PROSPECTS?
54) M/131	GEPA	2 "	GEN. FARLANE	BADOLLO MAY STILL BE MADE TO SIGN AN TRYING AGAIN.
55) FATIMA 2857	MAC FARLANE	2 "	FREEDOM	CC. MOVES TO RESUME 3000-
56) "	COL. PULLIMORE	2 "	TROOPERS	CANNOT SIGN PW DOCUMENT
57) #798	BADOLLO	2 "	MAC FARLANE	FINDS DRAFT OF AGREEMENT RE USE OF IT PAGE
58) "	"	3 "	"	SUGGESTED POINTS FOR VIEW ????
59) #41/20L	"	"	"	NOTE RE POINTS RAISED AT MARCH 23 CONF.
60) CC/P/175	GAZZERA	1 "	MAC FARLANE	AM INFORMING MY GOVT. THAT FURTHER DISCUSSION IS PROCEEDING
61) M/136	MAC FARLANE	5 "	BADOLLO	HAVE CONCLUDED DISCUSSIONS
62) M/137	"	5 "	FREEDOM	SUGGEST FORMATION OF PW LABOR 3MS. AS FUTURE PW POLICY
63) FATIMA 2410	"	5 "	"	DRAFT V. PULLIMORE LEADING NAMES TOWARD DISCUSSIONS CONCLUDED
64) " 2415	COLLINS	6 "	TROOPERS	POST MORTEM
65) #1031	PULLIMORE	6 "	MAC FARLANE	FINDS (64) TO AFHQ
66) CC/P/14	BADOLLO	8 "	AFHQ	ACKNOWLEDGES (64)
67) CC/P/115	MAC FARLANE	8 "	BADOLLO	" (65)
68) 0103/5015(2)	"	19 "	MAC FARLANE	IT PW EMPLOYMENT AS COORDINATORS
69) 0103/5015(2)	GAMMEL	23 "	VARIOUS	"
70) 0103/5015(2)	LONDON WAR OFFICE	23 "	"	"

File under No. 383.6
PRISONERS OF WAR

(2)

HQ ACC, APO 394
Sec'y Gen.

B

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40) RO/P	GAZZERA	23 "	MAC FARLANE	READY FOR ANOTHER CONFERENCE.
41) FATIMA 2427	GERP	22 "	TROOPERS	IT GOVT STILL CONSIDERING. WILL RETURN soon.
42) " 2472	"	23 "	"	WIRE ME NOW DATE OF CC ORDER TO AFHQ
43) " "	"	"	"	DRAFTS OF PW AGREEMENT
44) #23	GAZZERA	24 "	"	NOTA VERBALE - IT OBSERVATIONS RE AGREEMENT
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46) CC/P/157	MAC FARLANE	27 "	GAZZERA	COMMENTS INFORMALLY ON (44)
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48) M127	"	29 "	FREEDOM	STILL OBJECTING TO PW STATUS
49) #941	BADOLLO	29 "	MAC FARLANE	APPROPRIATE RE MISSINGNESS BUT MUST DECIDE ONE WAY OR ANOTHER
50) CC/P/164	MAC FARLANE	31 "	BADOLLO	ULTIMATUM (SENT OR NOT ????)
51) " "	GEN. GERP	"	GAZZERA	BRIEF NOTES FOR CC FOR TALK W/ BADOLLO
52) " "	"	31 "	"	COMMENTS ON IMPASSE
53) #3204 PW1	MR. MAC MILAN	1 APRIL	GEN. MAC FARLANE	WHAT ARE PROSPECTS
54) M131	MAC FARLANE	2 "	FREEDOM	BADOLLO MAY STILL BE MADE TO SIGN AN TALKING AGAIN.
55) FATIMA 2597	COL. PHILLIMORE	2 "	TROOPERS	C.C. NOTES TO PERSONAL BODILY
56) " "	BADOLLO	2 "	MAC FARLANE	CANNOT SIGN PW DOCUMENT
57) #948	"	3 "	"	FINDS DRAFT OF AGREEMENT RE USE OF T.D.W.C.
58) " "	"	"	"	SUGGESTED POINTS FOR 'VIEW' ????
59) CC/P/175	GAZZERA	1 "	MAC FARLANE	NOTE RE POINTS RAISED AT MARCH 27 CONF
60) M136	MAC FARLANE	5 "	BADOLLO	AM INFORMING MY DEPTS. THAT FURTHER DISCUSSION IS PRACTICABLE.
61) M137	"	5 "	FREEDOM	HAVE CONCLUDED DISCUSSIONS.
62) FATIMA 2410	"	5 "	"	SUGGEST COORDINATION RE PW LABOR INC. AS FUTURE PW POLICY.
63) " 2429	COLLINS	5 "	"	DEANS & PHILLIMORE LEAVING NANTES TOMORROW.
64) E1031	PHILLIMORE	6 "	TROOPERS	DISCUSSIONS CONCLUDED
65) CC/P/174	BADOLLO	6 "	MAC FARLANE	POST MORTEM
66) CC/P/185	MAC FARLANE	8 "	AFHQ	ENDS (64) TO AFHQ
67) #3236.3 PW1	"	8 "	BADOLLO	ACKNOWLEDGES (64)
68) 0103/5015 (AW)	GRANVILLE	19 "	MAC FARLANE	" (65).
69) 0103/5501 (PW1)	LONDON WAR OFFICE	23 "	VARIOUS	IT PW EMPLOYMENT AS COORDINATORS
70) 50547/201	"	23 "	"	"
71) 50547/201	"	25 "	"	SABER LIGHTS VOLUNTEER PW UTILIZATION PLAN
72) NO. 2263	"	25 "	"	OUTLINES U.S. VOLUNTEER PW UTILIZATION PLAN
73) CC/P/259	MAC FARLANE	2 MAY	AFHQ	REQUEST GUIDANCE ON INFORMING IT GOVT ABOUT MOVING PW LABOR UNIT TO U.K.

INSTRUCTIONS.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

SECRET

FNMA/rj

NF

Ref. CC/P/259.

3rd. May, 1944.

I understand from Brigadier Hillary who came to see me here a couple of days ago that 18 labour units, composed of Italian Prisoner of War personnel, had already been sent to U.K. and that it was probable that more than 20 additional similar units would also be sent.

2. You know all the difficulties that we have had with the Italian Government over this question of Prisoners of War and I have already stressed how greatly it weighs with the Italian Government.

3. I would be glad of guidance in two respects;

(a) Presumably sooner or later the Italian Government will discover that we have sent all these P.W. labour units to U.K.. I do not know if their representatives in Algiers have been officially informed. If this has not been done, I think that from the point of view of good relations between the Italian Government and ourselves it would be advisable for me to inform the Italian Government of the action we are taking.

(b) If it is agreed that I should give this information to the Italian Government I would be glad of the necessary details and any instructions regarding the form in which the communication should be made which the S.A.C. may wish to give me.

Lieut-General James A.H. Gammell, CB, DSO, MC,
Chief of Staff,
Allied Force Headquarters.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

3228

72

COPY
K.W. 21/16.

(CYPHER)

DEPARTMENTAL NO. 2.

FROM WASHINGTON TO FOREIGN OFFICE.

Viscount Halifax
No. 2263
1st May, 1944.

D. 2.24 a.m. 2nd May, 1944.
F. 11.25 a.m. 2nd May, 1944.

c c c c

IMMEDIATE

Following is text referred to in my immediately preceding telegram.
[Begins]

War Department announced to-day that in furtherance of Italian cobelligerent effort, Italian prisoners of war who volunteer are being given the opportunity to serve in service units organised on a military basis. Parallel arrangements are being [grp. undec? made] in so far as is practical, by Government of United Kingdom.

These units will render served [sic? services] of various kinds in support of the war effort against the common enemy, except in actual combat. They will be staffed with Italian officers and non commissioned officers, and will be extended liberties and privileges not heretofore available to them. The units organised by United States will be under the ultimate command of American officers, and will be subject to American military law and regulations.

Italian personnel volunteering for assignment to these Service units will continue to be paid the present rates of pay for labour prescribed by the army pursuant to its obligations under Geneva Convention governing prisoners of war. However their portion of this will be paid in cash and remainder in post exchange coupons instead of the entire sum being paid in coupons as at present. The amount not paid in cash may be credited to individual's account with Treasury United States, if he so elects.

Service units will be organised along American military lines to perform service functions for our forces similar to those now being performed by American service units. The arrangement is expected to release thousands of American soldiers for other duty.

Lt. General Brehon Somervell, Commanding General Army Service Forces, is responsible for the organisation, training and utilization of units. Brigadier General John M. Eager, former Chief of Staff, 5th

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Lt. General Brehon Somervell, Commanding General Army Service Forces, is responsible for the organization, training and utilization of units. Brigadier General John W. Eager, former Chief of Staff, 5th Service Command, Columbus, Ohio, has been named commanding general of units, which will be under overall supervision of service commands in which they are stationed

Training will be conducted under existing mobilisation employment programmes for type of service to be performed, with the omission of tactical and weapon training and such other modifications as may be deemed advisable. Instruction in English language will be stressed, with particular reference to vocabulary relating to tasks of individual units. Existing housing facilities will be used.

Present prohibition against fraternization will not apply between members of the Italian service units and American military personnel but military metaphor and prescribed military courtesies will be strictly observed. Friends and relatives of members of the units may visit them at the discretion of the American unit commander.

Members/

Members of the Service units will wear easily recognizable uniforms, including a green brassard bearing the word Italy in white block letters to be worn on the left sleeve. The garrison (overseas) cap will be worn, with a red and green circular cloth patch bearing the word Italy in the position normally occupied by the military insignia.

The Army will continue to be responsible for housing, feeding, medical and religious care in the same manner as at present.

Only those Italian personnel who volunteer, in writing for assignment to service units, will be accepted. They must in addition be sound mentally and physically qualified, and be "cleared" by military intelligence.

Those who are accepted will sign an application for assignment to an Italian service unit, in which the individual will promise to see at any task excepting actual combat that will aid in the prosecution of the joint war effort against Germany. Infractions of any orders or regulations issued by the American Military authorities will make the individual subject to having all privileges withdrawn and might result in disciplinary action in accordance with the American Military law and regulations.

[Ends]

C.T.P.

3225

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C.T.P.

[Ends]

3228

(71)

MOS SECRET CIPHER TELEGRAM

This message will not be distributed outside British Government Departments or Headquarters or re-transmitted, even in cipher, without being paraphrased. (Messages marked O.T.P. need not be paraphrased).

ONE TIME PAD TO N. CARRIBAN.

From: War Office

S/0547/P.W.1.
0103/5425

To:

C. in C. India
C. in C. Persia/Iraq
C. in C. Middle East
C. in C. Ceylon

Gov. & C. in C. Gibraltar
G.O.C. in C. East Africa
G.O.C. in C. West Africa
Commander, North Caribbean Area
A.F.H.Q. Algiers

Desp. 0200 25 Apr 44.

89381 cipher P.W.1. April TOP SECRET. IMPORTANT.

FIRST.

Despite oral agreement made October 1943 Eisenhower - Badoglio permitting Allies employ Italian PW on war work on volunteer basis and fact agreement successfully implemented North Africa Italian Govt. have refused written confirmation.

SECOND.

Italian Govt. refused because unwilling explain Italian people their agreement to retention PW status despite co-belligerency and use PW on war work but emphasised wish that labour these Italians should be utilised to greatest advantage common war effort.

THIRD.

In view co-belligerency we consider Article 31 inapplicable Italians while oral agreement constitutes agreement Article 83. Satisfied Badoglio will not repudiate oral agreement or complain provided (A) only volunteers employed war work (B) no official communication made to Italian Govt. (C) no reference made oral agreement as justification for action proposed.

FOURTH.

Decided accordingly (A) Italian PW who volunteer should be formed into military units and employed war work. They will be called co-operators but retain PW status (B) Treatment volunteers to be improved as originally proposed if Agreement had been signed.

FIFTH.

Following amendments will be made War Office letter 0103/5425(P.W.1.) 20 Dec. 43 forwarded you 21 Dec. 43. Para 2 Declaration now considered unnecessary. Verbal undertaking accepted. Para 11(A) and (D) Protecting Power will be retained and exercise normal functions respecting complaints and legal proceedings.

SIXTH.

When calling for volunteers will remind PW Italy co-belligerent inform now decided afford opportunity co-operate while retaining all benefits Convention except Article 31 and other Articles restricting nature and location work. Without referring oral agreement tell them similar opportunity N. Africa supported by Badoglio October 43 when thousands volunteered and since 30th valuable work. Following proclamation then issued by Badoglio. Quote. Proclamation by the head of the Govt. Date. 11 October 1943. In new political - military situation arisen because of the attitude and hostile German action towards Italy, it is our intention to proffer the Allies all possible active collaboration in

89381 cipher P.W.1. April TOP SECRET. IMPORTANT.

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THIRD. In view co-belligerency we consider Article 31 inapplicable Italians while oral agreement constitutes agreement Article 83. Satisfied Badoglio will not repudiate oral agreement or complain provided (A) only volunteers employed war work (B) no official communication made to Italian Govt. (C) no reference made oral agreement as justification for action proposed.

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SEVENTH. We shall read proclamation to PW but shall not display it or allow publication its use. No public reference will be made to oral agreement. Request you take similar precaution.

/EIGHTH...

72

This message may not be distributed outside the Department of Defense. It is for the use of the Department of Defense only. It is not to be distributed outside the Department of Defense.

From: Mr. Clinton

Subject: Separate cable follows re pay.

Full revised instructions issued U.K. follow fast air.

TENTH. A.P.H.Q. Only. On receipt scheme referred ninth report any differences in principle scheme already applied by you.

T.O.O./1730/B/24.

1. The following instructions are to be followed by the Department of Defense.

2. The following instructions are to be followed by the Department of Defense.

3. The following instructions are to be followed by the Department of Defense.

4. The following instructions are to be followed by the Department of Defense.

5. The following instructions are to be followed by the Department of Defense.

6. The following instructions are to be followed by the Department of Defense.

7. The following instructions are to be followed by the Department of Defense.

Tel. Whitehall 94

THE WAR OFFICE,
WHITEHALL,
LONDON, S.W.1.

0103/5542 (F.4.F.W)

23rd April, 1944.

CONFIDENTIAL

Sir,

1. I am directed to inform you that, in consequence of the declaration of co-belligerency by the Italian Government, existing instructions relating to the pay etc. of Italian prisoners of war will be cancelled with effect from 1st May, 1944, and the following substituted.

2. All Italian prisoners of war who volunteer to serve under the terms of War Office letter No. 0103/5425 (F.W.1) dated 23rd April, 1944, and who are accepted, will be known as "co-operators" and will be paid as follows:-

3.

Co-operator Officers

(a) <u>Rates of Pay</u>		2		3	
1		<u>Monthly rate of pay to be credited</u>		<u>Maximum amount which may be expended from pay credited for any one month</u>	
<u>Rank</u>		£	s. d.	£	s. d.
Marshal		48	12	3	0 0
General		41	13	4	10 0
Lt. General		36	2	3	15 0
Maj. General		27	15	7	5 0
Colonel		22	4	6	5 0
Lt. Colonel		19	8	11	15 0
Major		18	1	2	10 0
Captain		15	5	7	0 0
Lieutenant		13	3	11	10 0
2nd Lieutenant		10	3	4	0 0

* NOTE: Any part of this amount underspent in a current month may be carried forward and expended later, but subject to this, no officer should be allowed to exceed in excess of the amounts shown in this column.

(b) Access to credit balances.

Of the credit balance carried forward to the co-operator's new Army Form F.3486 (see paragraph 12), he will be allowed to expend on personal necessities only, up to an amount not exceeding twice the amount shown in column 3 for his rank. Any taken money in his possession on 30th April, 1944, will be taken into account in calculating the amount available. The remainder of the credit balance will not thereafter be accessible, except for readmission purposes (see paragraph 10).

(c) Missing charges

3224

3. Office letter No. 0403/5425(P.U.1) dated 23rd April, 1944, and who are accepted, will be known as "co-operators" and will be paid as follows:-

Co-Operator Officers

(4.) <u>Rates of Pay</u>	1	2	3
<u>Rank</u>	<u>Monthly rate of pay to be credited</u>	<u>Maximum amount which may be expended from pay credited for any one month</u>	<u>R</u>
	£ s. d.	£ s. d.	
Marshal	48 12 0	12 0 0	
General	41 13 0	10 10 0	
Lt. General	36 2 0	15 5 0	
Maj. General	27 15 0	5 5 0	
Colonel	22 4 0	7 15 0	
Lt. Colonel	19 3 0	6 10 0	
Major	18 1 0	6 0 0	
Captain	15 5 0	6 5 0	
Lieutenant	13 3 0	5 10 0	
2nd Lieutenant	10 8 0	5 0 0	

*** NOTE:** Any part of this amount underspent in a current month may be carried forward and expended later, but subject to this, no officer should be allowed to expend in excess of the amounts shown in this column.

(b) Access to credit balances.

Of the credit balance carried forward to the co-operator's new Army Form F.3486 (see paragraph 12), he will be allowed to expend on personal necessities only, up to an amount not exceeding twice the amount shown in column 3 for his rank. Any taken money in his possession on 30th April, 1944, will be taken into account in calculating the amount available. The remainder of the credit balance will not thereafter be accessible, except for maintenance purposes (see paragraph 10).

3224

(c) Messing charges

The existing messing charge of 4s. a day will cease to be made.

4.

Co-Operator Other Ranks

(a) <u>Rate of Pay</u>	<u>Basic weekly rate of pay</u>	
<u>Rank</u>	s.	d.
N.O.O's at rank of Sergeant and above	12	0
N.O.O's below rank of Sergeant	9	0
Privates	7	0

General Officers Commanding-in-Chief,
All Commands at Home.

General Officers Commanding
London and Northern Ireland Districts

/ In

(69)

2.

In the case of other-rank prisoners of war who were in receipt of working pay at the higher rate of 12d. an hour before volunteering to be co-operators, and who are accepted as co-operators, the weekly rate of pay will be 9s.

(b) The above rates for N.C.O.s apply only when the N.C.O.s are actually employed in their ranks as such. If N.C.O.s are employed as privates, pay will be issued at private's rates, similarly if an N.C.O. of the rank of Sergeant or above is employed as an N.C.O. below the rank of Sergeant, he will be paid at the rate appropriate to the lower rank.

(c) The above rates will continue in issue to co-operators in respect of employment-time lost through sickness, adverse weather conditions, time spent on travelling, meal-times, etc.

(d) Access to credit balances

Of the credit balance carried forward to the man's new Army Form W.3458 (see paragraph 42), he will be allowed to expend, on personal necessities only, up to a limit of £2. Any token money in his possession on 30th April, 1944, will be taken into account in calculating the amount available. The remainder of the credit balance will not thereafter be accessible to him except for maintenance purposes (see paragraph 40).

5. Employment on Civil Duties

Prisoners of war, who, having been accepted as co-operators are employed on duties in connection with the administration, internal arrangement and maintenance of the camp, or on tailoring, shoemaking, haircutting and clerical work will be paid at the appropriate rates laid down in paragraph 4 of this letter.

6.

Non-Co-operator Officers

All Italian officer prisoners of war who do not volunteer to serve under the terms of War Office letter No. 0403/5425 (P.W.1), dated 23rd April, 1944, or, having volunteered are not accepted, will be paid as follows:-

(a) The monthly rates of pay to be credited are as shown in paragraph 3, but the maximum amount which may be expended from pay credited for any one month will be as follows:-

	c	s	d
Marshal	8	15	0
General	7	10	0
Lieut. General	6	10	0
Major General	5	0	0
Colonel	4	0	0
Lieut. Colonel	3	10	0
Major	3	5	0
Captain	2	15	0

(a) Access to credit balances

Of the credit balance carried forward to the man's new Army Form W.3488 (see paragraph 12), he will be allowed to expend, on personal necessities only, up to a limit of £2. Any token money in his possession on 30th April, 1944, will be taken into account in calculating the amount available. The remainder of the credit balance will not thereafter be accessible, i.e. in except for remittance purposes (see paragraph 10).

5. Employment on Civil Duties

Prisoners of war, who, having been accepted as co-operators are employed on duties in connection with the administration, internal arrangement and maintenance of the camp, or on tailoring, shoemaking, haircutting and clerical work will be paid at the appropriate rates laid down in paragraph 4 of this letter.

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(a) The monthly rates of pay to be credited are as shown in paragraph 3, but the maximum amount which may be expended from pay credited for any one month will be as follows:-

	£	s	d
Marshal	3	15	0
General	7	10	0
Lt. General	6	10	0
Major General	5	0	0
Colonel	4	0	0
Lt. Colonel	3	10	0
Major	3	5	0
Captain	2	15	0
Lieutenant	2	7	6
Sub Lieutenant	1	17	6

NOTE: Any part of this amount undrawn in a current month may be carried forward and expended later, but subject to this, no non co-operator officer should be allowed to expend in excess of the amounts shown above.

(b) Access to credit balance

Of the balance remaining to his credit on 30th April, 1944, he will be allowed to expend, on personal necessities only, up to an amount not exceeding twice the amount shown in sub para (a) above, for his rank. Any token money in his possession on 30th April, 1944, will be taken into account in calculating the amount available. The remainder of the credit balance will not thereafter be accessible to him.

/ (c)

(c) The existing messing charge of 4s. a day authorized by War Office letter 0403/3525 (F.4.P.W.) of 17th April, 1943, will continue to be made, but will not be counted, in whole or in part, against the permissible monthly expenditure shown in sub para (a) above.

7.

Non Co-operator Other Ranks

(a) All Italian other rank prisoners of war who do not volunteer to serve under the terms of War Office letter No. 0403/5425 (F.W.1), dated 23rd April, 1944, or, having volunteered, are not accepted, will continue to be employed on similar financial terms as previously, i.e., they will receive working pay at 4d. or 1½d. an hour for actual time worked within daily maxima of 6d. and 1s. respectively according to whether the work on which they are employed is classified as unskilled or skilled. In addition, and with effect from 1st May, 1944, the rate of pay authorized by War Office letter 0403/3061 F.4.(11.) dated 23rd October, 1941, will be replaced by the following weekly rates:-

	a.	d.
Privates & N.C.Os below the rank of Sergeant	2	0
N.C.Os of rank of Sergeant and above	3	0

(b) Access to credit balances

Of the balance remaining to his credit on 30th April, 1944, he will be allowed to expend, on personal necessities only, up to a limit of 2s. Any token money in his possession on 30th April, 1944, will be taken into account in calculating the amount available. The remainder of the credit balance will not thereafter be accessible to him.

8. Protected Personnel

(a) Officers

Existing rates of pay (Qualified doctors Article 276, Royal Warrant for Pay, 1940, Dentists Article 279, Chaplains Article 268, Chaplains Article 284) will continue to apply but personal expenditure and access to credit balances, will be limited as in paragraphs 3 and 6 according to whether or not the officers are accepted as co-operators.

The daily messing charge of 4s. will be discontinued in the case of protected officers who are accepted as co-operators but will be continued in the case of protected officers who are not accepted as co-operators.

(b) Other Ranks

Italian other rank protected personnel will be paid at the same rates as combatant other ranks according to whether they are accepted as co-operators or not, and access to their credit balances similarly limited (see paragraphs 4 and 7).

9. Cigarettes

whether the work on which they are employed is classified as unclassified or classified. In addition, and with effect from 1st May, 1944, the rates of pay authorized by War Office letter 0403/30613.4. (P.S.) dated 23rd October, 1941, will be replaced by the following weekly rates:-

	a.	b.
Privates & N.C.O.s below the rank of Sergeant	2	0
N.C.O.s of rank of Sergeant and above	3	0

(b) Access to credit balances

Of the balance remaining to his credit on 30th April, 1944, he will be allowed to expend, on personal necessities only, up to a limit of 2s. Any token money in his possession on 30th April, 1944, will be taken into account in calculating the amount available. The remainder of the credit balance will not thereafter be accessible to him.

8. Protected Personnel

(a) Officers

Existing rates of pay (Qualified doctors Article 276, Royal Warrant for Pay, 1940, Dentists Article 279, Chemists Article 268, Chaplains Article 261) will continue to apply but personal expenditure and access to credit balances, will be limited as in paragraphs 3 and 6 according to whether or not the officers are accepted as co-operators.

The daily messing charge of 4s. will be discontinued in the case of protected officers who are accepted as co-operators but will be continued in the case of protected officers who are not accepted as co-operators.

(b) Other Ranks

Italian other rank protected personnel will be paid at the same rates as combatant other ranks according to whether they are accepted as co-operators or not, and access to their credit balances similarly limited (see paragraphs 4 and 7).

9. Cigarettes

The free issue of 35 cigarettes a week to Italian other rank prisoners of war authorised by Army Council Instruction 958/1945, will continue irrespective of whether they become co-operators or not.

10. Redittances

All Italian officers and other rank prisoners of war and protected personnel who are accepted as co-operators under the terms of War Office letter No. 0403/3425 (P.S.), dated 23rd April, 1944, will be permitted to authorize the payment of redittances from their credit balances in their camp accounts (including credit balances carried forward) to dependants etc. in Allied-occupied Italy and Sicily when the necessary arrangements have been made with the Italian Government. Detailed instructions will be issued later.

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Any amounts remitted under this authority will not be regarded as personnel expenditure for the purpose of paragraphs 3, 4 and 6.

44. Accounting Procedure

The provisions of "Prisoner of War Camps - Accounting 1943" will be applied to co-operators with the following exceptions:-

- (a) Since wording may be such, will not be issued, Paragraph 4(k) will not apply and any Form W-3491 will not be used.
- (c) Paragraph 4(n) will not apply, see paragraph 5 above.

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Beyt, 14002, 14003

The personal account of each prisoner of war or protected person who is accepted as a co-operator will be closed with effect from 1st May, 1944 and any balance (debit or credit) transferred to a new Army Form W.3486, which will be prepared in duplicate and clearly marked "Co-operator", and on which all transactions on his account will be recorded whilst he remains a co-operator. The entries on both the "old" and "new" account cards (Army Form W.3486) will be signed by the co-operator and the "original" copy of the closed account card will be forwarded to the Regimental Paymaster, London, for retention.

Should a co-operator revert to his former status, the above procedure will be applied in reverse.

13. At the end of each accounting period, a schedule will be prepared in triplicate, giving the information detailed below for all co-operators and forwarded as soon as possible to the Regimental Paymaster, London.

Total Pay Credited to Italian Operators

at Camp No. during the period to

E/M No.	Bank	Name	Rate/Rates of pay	Total Pay Credited

The first schedule to be prepared will cover the period from 1st May, 1944 to 26th May, 1944.

The total amount of pay credited to the accounts of co-operators during each accounting period, will be shown as a separate item (officers and other works separately) under "Pay" in the Control Account.

14. Any non-co-operator who is accepted as a co-operator subsequent to 1st May, 1941, will be subject to the conditions above relating to

12. Army Form W.3488

The personal account of each prisoner of war or protected person who is accepted as a co-operator will be closed with effect from 1st May, 1944 and any balance (debit or credit) transferred to a new Army Form W.3488, which will be prepared in duplicate and clearly marked "Co-operator", and on which all transactions on his account will be recorded whilst he remains a co-operator. The entries on both the "old" and "new" account cards (Army Form W.3488) will be signed by the co-operator and the "original" copy of the closed account card will be forwarded to the Regimental Paymaster, London, for retention.

Should a co-operator revert to his former status, the above procedure will be applied in reverse.

13. At the end of each accounting period, a schedule will be prepared in duplicate, giving the information detailed below for all co-operators and forwarded as soon as possible to the Regimental Paymaster, London.

Total Pay Credited to Italian Co-operators

at Camp No. during the period to

F/N No.	Rank	Name	Rate/Rates of pay	Total Pay Credited

The first schedule to be prepared will cover the period from 1st May, 1944 to 26th May, 1944.

The total amount of pay credited to the accounts of co-operators during each accounting period, will be shown as a separate item (officers and other ranks separately) under "Pay" in the Control Account.

14. Any anti-co-operator who is accepted as a co-operator subsequent to 1st May, 1944, will be subject to the conditions above relating to co-operators with effect from the date of his acceptance.

I am,
Sir,
Your obedient Servant,

Spencer

/ Copies to:

5.

Copies to:-

Commandants, Nos. 12 & 17 P.W. Camps,
All P.W. Labour Camps.

P.W.1. P.W.2.

F.M.

A.H.E.

D.A.C. (A).

A.G. Co-ordination

F.4. (P.W.)

I.W.L. Bureau

C.S.7.

A.M.D.2, 11.

M.I.12 (P.W.)

M.I.19

F.7.

F.7. (Mr. C.E. Ward)

F.9.

Regimental Paymaster, Marylebone Road.

Army Audit Office

J.A.G.'s Office

Q.1.

F.R.1.

C.G.E.

S.T.G.

D.D.A.T.S.

Q.1. (Chaps)

M.C.2.

M.I.5, 11.

G.A.2(b) (Lt.Col. J.P. Kellatt)

A.G.14.

D.D.Lab.

S.D.2. (Major Donald)

G.P.O. (Mr. Beale, Mr. Lewis)

Ministry of Agriculture (Mr. Tanso)

Ministry of Supply (Miss Rosniter)

Ministry of War Transport (Mr. Dean)

Ministry of Works (Mr. Maplesden)

Home Office (Mr. Ross, Mr. Kirk)

Colonial Office (Mr. Poynton)

P.I.D. Foreign Office (Lt.Col. H.B. Stange, Mr. Hay).

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Mayfair 9000

By All Air

TOP SECRET

0103/5853(P.W.2.)

The War Office,
Curzon Street Ho
Curzon Street,
London, W.1.

// May, 1944

Dear *Liam Line -**Seen by MacFarlane**23 May 44 aff.*

You will wish to know what we have done here to organise Italian prisoners of war into prisoner of war labour battalions on a voluntary basis for employment on any form of work. I expect that the Italian Government will be asking you questions and so you'll need full details to help you to satisfy any queries they may make particularly on treatment. I'm giving you the whole story leaving it to you to decide how much they ought to know. I enclose copies of the general and final instructions issued in the United Kingdom and of the telegrams sent to Commands abroad. India are following our example, but so far as I know, neither South Africa nor Australia have yet decided to do so. I also enclose a copy of the announcement made by the War Department which may help you on the general picture in the United States - as you will see they are going on very similar lines.

Our principal difficulty has been to improve the treatment, in view of the excellent conditions which they now enjoy, without bringing them up to the standards accorded to British and Allied troops. The main differences in the United Kingdom may be summarised as follows. Volunteers are being organised into battalions with Italian Warrant Officers and N.C.O.s. and where they are available, Italian Officers. The command of these battalions is exercised by British Officers and there is a small British Administrative Staff. Apart from these, however, the Italians will to a great extent, run themselves - they will no longer be escorted by British troops to and from and whilst at their work, nor will there be sentries on the Camps, provost duties

Lt. Gen. Sir Noel Mason MacFarlane, C.B., D.S.O., M.C.,
Headquarters,
Allied Control Commission,
ITALY.

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being performed by the volunteers themselves. They will have liberty outside the camps within prescribed limits and can go into private houses, but not into restaurants, cinemas, public houses or shops. The only restriction on their relations with the civilian population will be in respect of their relations with women and they will still be forbidden to use public transport, except when on duty. They will be allowed to communicate between camps, which is a point to which they attach importance and will, I hope, be able to make remittances to their next of kin in Italy, whilst we are going to arrange for cinema shows, concerts and entertainments in the camps, to make up to some extent, for their inability to go to public entertainments. In short, those who co-operate with us will have a wide measure of freedom and of control over their own conditions of living. We have been very careful not to make them any promises beyond what is contained in the instructions and it is encouraging to find that despite the very long delay in doing anything for them, over 46,000 in this country have volunteered already, and the returns are by no means complete as yet. I do not know how the scheme has gone abroad.

tactily We realise that the course we have taken can only be an interim measure and that before long we have got to put the Italian prisoners of war on a more satisfactory basis, but I do not think that we shall be able to do this until the general policy towards Italy has moved forward. Although it is not what the Italian Government want, I cannot help thinking that in practice it will be for the benefit of their men in our hands and that as we are not prepared to meet their wishes at present, they will do well to acquiesce *tactily* in the action we have taken. I know you will do all you can to this end.

I am sending a copy of this letter to Moorhead.

Yours *Ever*

Genl. Gepp.

I hope all goes smoothly, with you -

Myfair 2450

THE WAR OFFICE
CURSON STREET HOUSE
CURSON STREET
LONDON, W.1.

OLCJ/5425(P.W.1)

23rd April, 1944

CONFIDENTIAL

Memorandum for :-

General Officers Commanding-in-Chief,
Northern, Southern, Eastern, Western,
South Eastern and Scottish Commands.

General Officers Commanding,
London and Northern Ireland Districts.

IT'LL IN PRISONERS OF WAR
REQUIREMENT OF CO-OPERATORS

1. War Officer letters OLCJ/5425(P.W.1) dated 20th December, 1943, 8th January, 1944 and 25th January, 1944 are cancelled.

The attached Memorandum embodies a revised scheme which will be put into force on Sunday April 30th, 1944.

2. It is important that no official statement on the changed treatment of Italian prisoners of war or the reasons for it should be made to the Press or otherwise. Any such publicity might prove embarrassing to the Italian Government and reflect unfavourably on the working of the scheme in North Africa. The public are bound to notice some of the alterations in treatment. If any questions are asked, Commandants will say that owing to co-belligerency and their desire to help it has been decided to improve the treatment of those Italians who are willing to co-operate.

3. Appendix 'A' will be read to the Italians but will not be posted up in the Camp, nor will the text be communicated to anyone other than the prisoners themselves.

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4. It is most important that 'appendix 'G'' should be delivered exactly as it is worded. The official translation in Italian which must be used, will follow.

5. Commandants should explain para. 2, and 3 to officials of User Departments with whom they work, and obtain their co-operation.

J. C. Gappa

Director of Prisoners of War

Copies to :-

G.H.Q., Home Forces

Commandants, Nos. 12, 17, 18 & 19 P.W. Groups
11 I. I. Labour Groups.

Officers Commanding, Pioneer Groups.

F.M.	C.1(Groups)
J.O.S.	H.O.2.
D.1.G(1)	H.I.5, 11
A.C. Co-ordination	C.2(b)(Lt. Col. Kellott)
F.4.(P.W.)	A.C.14
F.1.I. Bureau	D.P.14B.
C.3.7.	S.D.2. (Major Donah)
A.M.D.2, 11	C.P.O. (Mr. Baul)
H.I.12(P.W.)	C.P.O. (Mr. Lewis)
H.I.19.	Min. of Agriculture
F.7.	(Mr. Tans)
F.7. (Mr. G.E. Ward)	Min. of Supply
F.9.	(Miss Roslter)
Regimental Paymaster, Marylebone Road.	Min. of War Transport
Army Audit Office	(Mr. Dean)
J.1.G's Office, Spring Gardens	Min. of Works
C.1.	(Mr. Haylesden)
F.M.1.	Home Office (Mr. Ross)
C.C.E.	Home Office (Mr. Kirk)
S.T.6.	Colonial Office
D.D.1.T.S.	(Mr. Peyton)
F.I.D., Foreign Office (Lt. Col. H.R. Steege)	(Mr. Day)

CONFIDENTIAL

ATTACHMENT ON ITALIAN PRISONERS OF WAR
AS CO-OPERATORS

1. After the declaration of an Armistice between the United Nations and Italy the Italian Government declared war against Germany and were accepted by His Majesty's Government and the Government of the United States as co-belligerents. The Italian people are co-operating with the Allies in all those parts of Italian territory occupied by the Allied forces and Italian troops are fighting in the front line near Cassino.

2. It has now been decided to afford Italian prisoners of war in the United Kingdom an opportunity to co-operate in the common war effort by calling for volunteers who are prepared to undertake work directly connected with the creation of the war, in accordance with the declaration of co-belligerence made by the Italian Government. Those who volunteer to do so and whose services are accepted will retain the status of prisoners of war and will be so described when their status is material (6.5. the preparation of a charge sheet, an identity document and for correspondence with Italy) but will otherwise be treated and described as "co-operators". Their treatment and conditions will be improved as set out below, and in War Office letter O103/5542(F.4.F.W) dated 23rd April, 1944.

3. Italian prisoners of war including protected personnel who do not volunteer or whose services are not accepted will be termed "non-co-operators" and will continue to be treated in all respects as at present in accordance with current Administrative Instructions with the exception of the financial variations notified in War Office letter O103/5542(F.4.F.W.) dated 23rd April, 1944. They will be segregated in non-co-operators camps.

4. With the full consent of the Italian Government a similar opportunity to volunteer for war work was given to Italian prisoners of war in North Africa in October, 1943. In order to demonstrate their support of the action taken the Italian Government issued a proclamation through Marshal Badoglio the text of which is at Appendix 'A'. A translation is at Appendix 'B'.

As a result almost all Italian prisoners of war in North Africa volunteered and were formed into Italian Labour Companies and have performed valuable work in the North African theatre. Some of these Companies are now in this country.

THE FOLLOWING PARAGRAPHS DEAL WITH THE ORGANISATION AND
ADMINISTRATION OF CO-OPERATORS.

5. All Italian personnel at existing Prisoner of War Camps who volunteer to co-operate and are accepted will be organised in Italian Labour Battalions.

forces and Italian troops are fighting in the front line near Cassino.

2. It has now been decided to afford Italian prisoners of war in the United Kingdom an opportunity to co-operate in the German war effort by calling for volunteers who are prepared to undertake work directly connected with the operations of the war, in accordance with the declaration of co-belligerence made by the Italian Government. Those who volunteer to do so and whose services are accepted will retain the status of prisoners of war and will be described as such in all material (G.I. the preparation of a charge sheet, on identity documents and for correspondence with Italy) but will otherwise be treated and described as "co-operators". Their treatment and conditions will be improved as set out below and in War Office letter OAC/5542(P.L.F.W) dated 23rd April, 1944.

3. Italian prisoners of war including protected personnel who do not volunteer or whose services are not accepted will be termed "non-co-operators" and will continue to be treated in all respects as at present in accordance with current Administrative Instructions with the exception of the financial variations notified in War Office letter OAC/5542(P.L.F.W.) dated 23rd April, 1944. They will be segregated in non-co-operators camps.

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As a result almost all Italian prisoners of war in North Africa volunteered and were formed into Italian Labour Companies and have performed valuable work in the North African theatre. Some of these Companies are now in this country.

THE FOLLOWING PARAGRAPHS DEAL WITH THE ORGANISATION AND ADMINISTRATION OF CO-OPERATORS.

5. All Italian personnel at existing Prisoner of War Camps who volunteer to co-operate and are accepted will be organised in Italian Labour Battalions.

6. Labour Battalions will be formed on W.Es. V/1073/1 to V/1077/1 at existing Camps; the strength of the Battalions will be governed by the capacity of the Camp including hostels and billets. The designation "Prisoner of War" as applied to camps will be dropped except for correspondence (see paragraph 24(b)), but Labour Battalions will retain the existing numbers of Prisoner of War Camps; thus No. 25 Prisoner of War Camp would become No. 25 Italian Labour Battalion.

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The Working Companies in the Battalion should not normally exceed 250 and will be commanded by an Italian Warrant Officer. A Section should conform in numbers to the occupants of a hut (approximately 36) and be further sub-divided into squads as required. Sections will be commanded by Italian Sergeants and squads by Corporal Majors who will work with, and set an example to, their men. As far as possible, agriculturalists, forestry workers, railway workers, etc., should be formed into separate Companies, but composite Companies may be necessary where the numbers in any one employment are small.

Co-operators in hostels and billets will form part of the appropriate Working Company in the Labour Battalion.

7. As will be seen from the U.E. Italians will be largely responsible for their own administration. Particulars of the U.E. were forwarded in War Office letter C103/3425(P.W.1) dated 21st January, 1944. The following amendments will be made to the letter :-

Delete para. 6.

Delete para. 11 and substitute :-

"Italian Warrant Officers and N.C.Os will be used as far as possible in their substantive ranks. Any deficiencies will be supplied by the War Office. No local Camp promotion will be sanctioned."

8. Italian Working Companies (W.E. V/995/1) and Italian Pioneer Companies (W.E. N.A/172/1) received from North Africa for work under the Director of Labour will retain their present organisation.

TREATMENT OF CO-OPERATORS

9. Administrative Instructions which are now in course of revision will be applied to Italian Labour Battalions. Co-operators will receive preferential treatment as shown in the following paragraphs.

10. The barbed wire perimeter will be partly dismantled leaving the perpendicular fence intact but aprons and barbed wire will be removed; as much as possible will be recovered and returned to R.E. dumps for re-issue. The compound gate will normally be left open.

11. Unratched battle-brass (cycl) chocolate with P.S. cap of same colour will be issued; shoulder titles with the word ITALY will be worn; Camp police will wear a brassard; Italian badges of rank will be worn. Good conduct badges consisting of an inverted chevron will be worn on the left sleeve six inches above the wrist by co-operators who have no entry on their A.F. B 122 for the six months preceding May 1st, 1944. A similar chevron, up to a total of three, will be issued for each succeeding six months. These chevrons will be subject to forfeiture as a disciplinary

Co-operators in hostels and billets will form part of the appropriate Working Company in the Labour Battalion.

7. As will be seen from the W.E. Italians will be largely responsible for their own administration. Particulars of the W.E. were forwarded in War Office letter O103/5425 (P.W.1) dated 21st January, 1944. The following amendments will be made to the letter :-

Delete para. 6.

Delete para. 11 and substitute :-

"Italian Warrant Officers and N.C.Os will be used as far as possible in their substantive ranks. Any deficiencies will be supplied by the War Office. No Local Canteen promotion will be sanctioned."

8. Italian Working Companies (W.E. V/995/2) and Italian Pioneer Companies (W.E. N.A/172/1) received from North Africa for work under the Director of Labour will retain their present organization.

TREATMENT OF CO-OPERATORS

9. Administrative Instructions which are now in course of revision will be applied to Italian Labour Battalions. Co-operators will receive preferential treatment as shown in the following paragraphs.

10. The barbed wire perimeter will be partly dismantled leaving the perpendicular fence intact but aprons and concert wire will be removed; as much as possible will be recovered and returned to R.E. dumps for re-issue. The compound gate will normally be left open.

11. Unpatched battle-dress dyed chocolate with P.S. cap of same colour will be issued; shoulder titles with the word ITALY will be worn; Camp police will wear a brassard; Italian badges of rank will be worn. Good conduct badges consisting of an inverted chevron will be worn on the left sleeve six inches above the wrist by co-operators who have no entry on their A.P. B 122 for the six months preceding May 1st, 1944. A similar chevron, up to a total of three, will be issued for each succeeding six months. These chevrons will be subject to forfeiture as a disciplinary punishment.

12. Co-operators will be permitted to exercise outside the Camp boundary during the hours of daylight within clearly defined limits, not exceeding two miles, which will vary according to the location of the camp and will be fixed in consultation with the General Staff of Comandis.

13. It is hoped shortly to make arrangements for stage shows and/or concert parties, comprised of co-operators, to make visits to other Italian Battalions.

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14. Inter-Battalion correspondence will be allowed up to one letter per week not exceeding two sides of one quarto sheet. Correspondence of this correspondence will be undertaken by Battalion interpreters who will address the envelope to the correct postal address of the Battalion concerned and will sign the envelope in the outside. The letter will not be delivered to the addressee unless it is so signed but, if signed, will be delivered unopened. Postage will be provided by the seniors and the letters will be posted at the local post office by a member of the camp staff detailed for this duty.
15. Control of the Italian wirelogs set by a member of the British staff will not be uniform.
16. It is recommended that the British officers mess should be made available to Italian officers but careless talk must be strictly avoided.
17. Identity cards (A.F. W 3435) will be carried by co-operators. These will be altered or set out in War Office UM/5835/P.W.I. dated 19th April, 1944. Co-operators who are being transferred from a non-co-operators camp to a Labour Battalion will not be issued with the identity cards until they arrive at the Italian Labour Battalion.
18. Conditions of pay are set out in War Office letter O103/5542(P.W.I.) dated 23rd April, 1944.
19. Regulations for the Maintenance of Discipline among Prisoners of War, 1939 will continue in force. Punishments and awards will be made only by British officers commanding Italian Labour Battalions or by Military Courts. The defence of Italians accused at Military Courts will be undertaken by British officers who should either be interpreters or have legal qualifications or both.
20. The functions of the Protection Barr, the International Red Cross Committee and the Welfare Alliance of P.W.I. will be unchanged.
21. Co-operators may be employed on any work including work directly connected with the operations of war.
The hours of work will conform to civilian and military standards. One rest day per week (normally Sundays) will be allowed. The Ministry of Labour and National Service will continue to allocate labour to User Departments; A.F.W 3437 will continue to be issued for all employment which is not directly pertinent for Vote of Credit Departments.
Employment during blackout hours will be permitted in cases approved by the General Staff of the Command concerned.
British escorts will no longer accompany working parties.

15. Control of the Italian wireless set by a member of the British staff will not be interfered.

16. It is recommended that the British officers mess should be made available to Italian officers but careless talk must be strictly avoided.

17. Identity cards (A.F. W 3495) will be carried by co-operators. These will be altered as set out in War Office OM/535/P.W.I. dated 18th April, 1944. Co-operators who are being transferred from a non-co-operators camp to a Labour Battalion will not be issued with the identity cards until they arrive at the Italian Labour Battalion.

18. Conditions of pay are set out in War Office letter O205/5342(P.W.I.) dated 23rd April, 1944.

19. "Regulations for the Maintenance of Discipline among Prisoners of War, 1939" will continue in force. Punishments and awards will be made only by British officers commanding Italian Labour Battalions or by Military Courts. The defence of Italians accused at Military Courts will be undertaken by British officers who should either be interpreters or have legal qualifications or both.

20. The functions of the Protecting Power, the International Red Cross Committee and the World Alliance of Y.M.C.A.s will be unchanged.

21. Co-operators may be employed on any work including work directly connected with the operations of war.

The hours of work will conform to civilian and military standards. One rest day per week (normally Sundays) will be allowed. The Ministry of Labour and National Service will continue to allocate labour to User Departments; A.F.W 3497 will continue to be issued for all employment which is not directly performed for Vote of Credit Departments.

Employment during blackout hours will be permitted in cases approved by the General Staff of the Command concerned.

British escorts will no longer accompany working parties.

22. The following restrictions will be retained :-

(a) Fraternalisation. Whilst friendly relations with individuals whom they meet in the course of their duty or in the place where they are billeted will not be forbidden, any relationship, or attempt to establish relations, with women of a sexual or serious character will still be prohibited. Administrative Instruction No. 244 will be varied accordingly in the case of co-operators.

(b) Printing arrangements for censorship and correspondence with Italy will be maintained. For this purpose only Italian Labour Battalions will be referred to as Prisoners of War Camps. For address of P.W. Working Companies see War Office OM/535/P.W.I. dated 14th April, 1944.

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- (c) Taken money will continue to be used, purchase being restricted to Camp Outfitters.
- (d) They will be prohibited from attending public entertainments, entering shops, post offices, public houses and restaurants and when they are not on duty, from going into centres of population or public transport.

EXCLUSION OF NO-CO-OPERATORS

23. (1) All prisoners will be invited to co-operate but the following will not be accepted :-

- (a) Known bad characters
- (b) Prisoners of war who are permanently unfit for duty or who persistently report sick.
- (c) Psychotics.
- (ii) Officers above the rank of Major will not be accepted without obtaining War Office authority.

24. Prisoners of war will not be required to sign a declaration to co-operate.

DECLARATION OF CO-OPERATORS

25. (a) Any co-operator who is sentenced by a Military Court to a term of penal servitude, imprisonment or detention, will cease to be a co-operator and will, at the expiration of his sentence, be transferred to a non-co-operators' camp, but he will not be transferred if sentence is suspended.

(b) Any prisoner who receives a summary award of 21 days detention or more will, at the discretion of the Commandant, cease to be a co-operator and be transferred to a non-co-operators' camp.

In the exercise of this discretion the Commandant will take into account the nature of the offence and the extent to which it reflects unwillingness to co-operate.

The existing arrangements for transfer of uncooperants (Administrative Instruction No. 244) will be cancelled for Italian Labour Battalions.

(c) Each case in which a prisoner has been relegated as in (a) or (b) above will be reviewed three months after the expiry of the sentence or award by the District Commander in whose District the prisoner is then serving.

23.(i) All prisoners will be invited to co-operate but the following will not be accepted :-

- (a) Known bad characters
- (b) Prisoners of war who are permanently unfit for duty or who permanently report sick.
- (c) Psychotics.
- (ii) Officers above the rank of Major will not be accepted without obtaining War Office authority.

24. Prisoners of war will not be required to sign a declaration to co-operate.

RELEGATION OF CO-OPERATORS

25. (a) Any co-operator who is sentenced by a Military Court to a term of penal servitude, imprisonment or detention, will cease to be a co-operator and will, at the expiration of his sentence, be transferred to a non-co-operators' camp, but he will not be transferred if sentence is suspended.

(c) Any prisoner who receives a summary award of 21 days detention or more will, at the discretion of the Commandant, cease to be a co-operator and be transferred to a non-co-operators' camp.

In the exercise of this discretion the Commandant will take into account the nature of the offence and the extent to which it reflects unwillingness to co-operate.

The existing arrangements for transfer of uncontented (Administrative Instruction No. 244) will be cancelled for Italian Labour Battalions.

(c) Each case in which a prisoner has been relegated as in (a) or (b) above will be reviewed three months after the expiry of the sentence or award by the District Commander in whose District the prisoner is then serving.

26. Any co-operator who is admitted to hospital will be relegated to non-co-operator status after forty two days unless a prognosis of recovery within ninety one days from the onset of the incapacity is then made.

PROTECTED PERSONNEL

27. Italian prisoners of war recognised as a protected personnel who volunteer and are accepted will be treated as "co-operators" and will no longer be regarded as in a special category although they will be entitled to resume their rights as 'protected' on relegation.

/Co-operators....

(5)

Co-operators who have no medical knowledge or are not required for medical duties may be employed in any form of work.

PRISONERS OF WAR CONVENTION

28. Article 31 and any other Articles which restrict the nature or location of work will be suspended.

MIXED MEDICAL COMMISSION

29. The Mixed Medical Commission will be established for co-operators and its place will be taken by a panel consisting of one British Medical Officer as Chairman with decisive powers and two Italian Medical Officers acting as advisers.

PROCEDURE TO OBTAIN CO-OPERATORS

30. All prisoners of war in the Camp will be summoned on Sunday April 30th. They will be addressed by the Commandant; he will begin his address in accordance with Appendix 'C'. He will then explain the proposals set out in the preceding paragraphs and in War Office letter 0103/5542 (P.L.P.W.) dated 23rd April, 1944 and will emphasize the advantages which co-operators will receive.

In order to avoid subsequent political difficulties and to ensure uniformity in Camp the opening address will be given verbally. In explaining the benefits to co-operators Commandants will use their discretion as to the order and manner of approach but will be careful not to make any promise which is not covered by the instructions. Similar action will be taken at hostels on the same day.

Arrangements will be made to explain the proposals to prisoners in billets within the next seven days. Every effort must be made to complete this action within the time allowed.

31. Immediately after the address Commandants will order all prisoners of war who do not wish to co-operate to fall out. A nominal roll will then be made of co-operators which will be signed by the Commandant and countersigned by the Camp Leader or Italian Medical Officer. Non-co-operators will be given forty eight hours grace to reconsider their refusal.

32. Commandants may take their Camp Leader and/or Medical Officer into their confidence beforehand and may vary the procedure in paragraph 31 if they desire to do so provided they obtain the personal consent of the sub-District Commander or other officer nominated by Command H.Q.

33. Immediately the forty eight hours period of grace has expired Commandants will telegraph to the War Office (P.W.1) the numbers in their Camp and hostels, separately, of :-

The Mixed Medical Commission will be dissolved for co-operators and its place will be taken by a panel consisting of one British Medical Officer as Chairman with decisive power and two Italian Medical Officers acting as advisers.

PREPARING TO OBTAIN CO-OPERATORS

30. All prisoners of war in the Camp will be paraded on Sunday April 30th. They will be addressed by the Commandant, he will begin his address in accordance with Appendix 'A'. He will then explain the proposals set out in the preceding paragraphs and in War Office letter C103/5542 (P.W.) dated 23rd April, 1944 and will emphasize the advantages which co-operators will receive.

In order to avoid subsequent political difficulties and to ensure uniformity in Camps the opening address will be given a written explanation of the benefits to co-operators. Commandants will use their discretion as to the order and manner of approach but will be careful not to make any promise which is not covered by the instructions. Similar action will be taken at hostels on the same day.

Arrangements will be made to explain the proposals to prisoners in billets within the next seven days. Every effort must be made to complete this action within the time allowed.

31. Immediately after the address Commandants will order all prisoners of war who do not wish to co-operate to fall out. A nominal roll will then be made of co-operators which will be signed by the Commandant and countersigned by the Camp Leader or Italian Medical Officer. Non-co-operators will be given forty eight hours grace to reconsider their refusal.

32. Commandants may take their Camp Leader and/or Medical Officer into their confidence beforehand and may vary the procedure in paragraph 31 if they desire to do so provided they obtain the personal consent of the sub-District Commander or other officer nominated by Command H.Q.

33. Immediately the forty eight hours period of grace has expired Commandants will telegraph to the War Office (P.W.1) the numbers in their Camp and hostels, separately, of :-

- (a) Co-operators
- (b) Italian Air Force ground staff included in (a)
- (c) Non-co-operators.

This information is required at once in order to enable the War Office to decide which Camps will be formed into Italian Labour Battalions.

34. Italian prisoners of war may thereafter volunteer to **3218**
/co-operate....

(18)

co-operate at any date and will be accepted from the date on which they volunteer.

(6)

35. As soon as every prisoner of war administered by the Camp (including hostels, billets and W.E. detachments) have signified their intention (or otherwise) to co-operate a return will be rendered to the War Office (P.W.1) as shown in Appendix 'D'. This will not be rendered later than May 7th.

FORMATION OF ITALIAN LABOUR BATTALIONS

36. Commands will be advised as early as possible which Camps have been selected for conversion to Italian Labour Battalions, and will at once take action to re-organise the Italians in those camps. Formation orders and instructions to implement the W.E. as regards British ranks will follow.

37. In Camps which are to be converted to Labour Battalions Commandants being notified will:-

- (a) Issue (and unattached battle-dress to co-operators and indent for cloth to enable Camp Tailors to make up Police Pressurals and Good Conduct Chevrons) and badges of rank.
- (b) Detail a party of six in addition to the structural maintenance gang to remove the wire upon and dismant leaving the perpendicular fence intact.
- (c) Ascertain from the Formation Headquarters administering the Camp the boundary limits for exercise.
- (d) Prepare for a re-arrangement of the accommodation on the basis of the new W.E. when formation orders are received.
- (e) Prepare and issue Identity cards to co-operators.
- (f) Organise all co-operators into Working Companies and detail those required for Headquarters staff and administration. This must be done without disturbing the work which the prisoners are performing.
- (g) Post the Italian Warrant Officers and N.C.Os. required to implement the W.E. so far as they are available at the Camp.
- (h) Select, in conjunction with the Camp Labour Officer, suitable substitutes for any non-co-operators who are in hostels or billets. These non-co-operators will be withdrawn to the Camp ready for transfer.

FORMATION OF ITALIAN LABOUR BATTALIONS

36. Camps will be advised as early as possible which Camps have been selected for conversion to Italian Labour Battalions, and will at once take action to re-organise the Italians in these camps. Formation orders and instructions to implement the W.E. as regards British ranks will follow.

37. In Camps which are to be converted to Labour Battalions Commandants being notified will :-

- (a) Issue dyed unmatched battle-dress to co-operators and indent for cloth to enable Camp Tailors to make up Police Hussar's and Good Conduct Chevrons and badges of rank.
- (b) Detail a party of six in addition to the structural maintenance gang to remove the wire apron and dismant leaving the perpendicular fence intact.
- (c) Ascertain from the Formation Headquarters administering the Camp the boundary limits for exercise.
- (d) Prepare for a re-arrangement of the accommodation on the basis of the new W.E. when formation orders are received.
- (e) Prepare and issue Identity cards to co-operators.
- (f) Organise all co-operators into Working Companies and detail those required for Headquarters staff and administration. This must be done without disturbing the work which the prisoners are performing.
- (g) Post the Italian Warrant Officers and N.C.Os. required to implement the W.E. so far as they are available at the Camp.
- (h) Select, in conjunction with the Camp Labour Officer, suitable substitutes for any non-co-operators who are in hostels or billets. These non-co-operators will be withdrawn to the Camp ready for transfer.

All personnel of the Battalion will then be co-operators.

NON-CO-OPERATOR CAMPS

38. Camps which are selected as non-co-operators Camps will administer both co-operators and non-co-operators. All billeted prisoners will be co-operators. Prisoners in hostels need not necessarily be co-operators but co-operators and non-co-operators will not be mixed in any one hostel. All prisoners accommodated at the Camp will be non-co-operators except that Italian personnel employed in the British lines may be co-operators.

/Commandants.....

(7)

Commandants of non-co-operators' Camps will :-

- (a) Arrange to substitute co-operators for any non-co-operators in billets. If there are not enough in the Camp, suitable co-operators for billeting will be transferred by the War Office.

A non-co-operator will not be withdrawn from a billet until a substitute is available.

- (b) Prepare for transfer to Labour Battalions any co-operators remaining in the Camp after action as at (a) has been taken. This preparation includes the issue of unpatched battle-dress. Identity cards will be issued on arrival at the Labour Battalion.
- (c) If less than 75% of the Italians at any hostel refuse to co-operate he will take action as at (a) to replace non-co-operators in the hostel.
- (d) If 75% or more Italians at a hostel are non-co-operators the co-operators will be withdrawn either to another hostel or billet or prepared for transfer to a Labour Battalion, and the hostel will be made up to strength by non-co-operators from the camp.
- (e) Telegraph to the War Office as early as possible the number of ~~non-co-operators~~ co-operators required to make up deficiencies in hostels and billets (see paragraphs (c) and (d)).

/39....

(8)

39. Movement orders will be issued by the War Office for the necessary inter-camp transfers of co-operators and non-co-operators.

40. The action to be taken to implement this letter as regards Working Companies (W.E. V/995/1) will be taken by the O.C. Company under the supervision of O.C. Pioneer Group. The personnel of Italian Pioneer Companies ex North West Africa have already signed a declaration to co-operate and will be deemed to be co-operators. O.C. these Companies will therefore issue the necessary clothing and identity cards without any preliminaries.

41. The treatment of co-operators as such will commence on May 1st, 1944.

SECRET

COPY OF PROCLAMATION BY MARSHAL BADOLLA

PROCLAMA

del capo del governo

del 11 ottobre 1945

Agli ufficiali, sottufficiali e militari di truppe italiane, prigionieri degli anglo-americani.

Nella nuova situazione politico-militare, determinatasi in seguito all'atteggiamento di all'ansiosa ostile germanica verso l'Italia, e' vostro, intensamente atteso, nei confronti delle nazioni alleate, tutte le possibili forme di collaborazione attiva per raggiungere l'obiettivo comune di sconfiggere la residua potenza militare tedesca che domina anche su buona parte del nostro paese.

E' vostro dovere, pertanto, di aiutare gli alleati in ogni modo in tutti i servizi, non di combattimento ma strettamente connessi con lo sforzo bellico, costituendo speciali reparti di servizio e di lavoro al comando degli ufficiali che verranno designati.

In tal modo voi darete fin d'ora una collaborazione efficace alla lotta che i vostri concittadini in armi e le popolazioni stesse conducono in Italia, a fianco della Armata Alleata - Americana, per la liberazione della patria dal secolare nemico.

del Capo del Governo
dell' 11 Ottobre 1943

Agli ufficiali, sottufficiali e militari di truppa italiani,
prigionieri degli anglo-americani.

Nella nuova situazione politico-militare, determinata in
seguito all'atteggiamento da cui emerge ostile l'America verso
l'Italia, e' nostro intendimento attuare, nei confronti delle nazioni
alleate, tutte le possibili forme di collaborazione attiva per
raggiungere l'obiettivo comune di sconfiggere la brutale potenza
militare tedesca che domina anche su buona parte del nostro paese.

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modo in tutti i servizi, non di combattimento ma strettamente connessi
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di lavoro al comando degli ufficiali che verranno designati.

In tal modo voi darete fin l'ora una collaborazione efficace
alla lotta che i vostri camerati in armi e le popolazioni stesse
conducono in Italia, a fianco delle Armate Anglo - Americane, per
la liberazione della patria dal secolare nemico.

(Firmato) : Il Maresciallo d' Italia :

P. BADOLATO

3217

68

APPENDIX 'B'

TRANSLATION OF PROCLAMATION BY MARSHAL BAKAYLIG

PROCLAMATION
.....

BY THE HEAD OF THE GOVERNMENT

Date: 11 October, 1942

In new political - military situation, arisen because of the attitude and hostile German action towards Italy, it is our intention to prefer the Allies all possible active collaboration in order to achieve the common objective of ridding our country of residue of German troops still occupying a large section of our nation.

It is therefore our duty to help the Allies in every possible way, excepting in actual combat. We are to be linked together closely in bellicose activities constituting special services and in work under command of officers to be designated.

In that manner you will collaborate efficaciously from now on in fight for our redemption from century - old enemy as the very populace in Italy is now doing alongside Anglo - American forces for the liberation of the homeland.

PROCLAMATION
.....

BY THE HEAD OF THE GOVERNMENT

Date : 11 October, 1943

In new political - military situation, arising because of the attitude and hostile German action towards Italy, it is our intention to proffer the Allies all possible active collaboration in order to achieve the common objective of ridding our country of residue of German troops still occupying a large section of our nation.

It is therefore our duty to help the Allies in every possible way, excepting in actual combat. We are to be linked together closely in bellicose activities constituting special services and in work under command of officers to be designated.

In that manner you will collaborate efficaciously from now on in fight for our redemption from century - old enemy as the very populace in Italy is now being alongside Anglo - American forces for the liberation of the homeland.

Signal. The Marshal of Italy.

B. BADOGLIO

APPENDIX 'D'

ADDRESS BY COMMUNIST

You will remember that after the armistice between Italy and the United Nations, the Italian Government, under the leadership of Marshal Badoglio, declared war on Germany, and was recognized as a co-belligerent by Great Britain and the United States.

It has been decided to recognize as co-belligerents those of you who volunteer to co-operate with us in winning the war against Germany and who are prepared to perform any type of work to this end. This opportunity comes to you at a crucial moment when preparations are being made for an invasion of Germany. You who co-operate will get over non-co-operators certain advantages which I shall speak about later.

An Italian troop is already fighting with distinction in Italy but those of you who co-operate now will be serving your country just as much as your compatriots who are in the front line.

The Convention will still apply to all of you whether you co-operate or not, but those who do co-operate will have to regard as suspended those clauses which limit the nature or location of your work.

Many of you who co-operate will nevertheless continue to be employed on agriculture or on whatever work you are now doing but you will have the satisfaction of knowing that your work is vital to the war effort. As far as possible technicians will be employed in their own trades.

This scheme has already been successfully employed in North West Africa for several months where 14,000 Italians volunteered and were formed into Pioneer Companies some of which are in this country. Marshal Badoglio supported their action by issuing the following proclamation :-

- - - - -

If you follow your compatriots example, you will be given the following advantages :-

a co-belligerent by Great Britain and the United States.

It has been decided to recognize as co-belligerents those of you who volunteer to co-operate with us in winning the war against Germany and who are prepared to perform any type of work to this end. This opportunity comes to you at a crucial moment when preparations are being made for an invasion of Germany. You who co-operate will get over non-co-operators certain advantages which I shall speak about later.

An Italian troop is already fighting with distinction in Italy but those of you who co-operate now will be serving your country just as much as your compatriots who are in the front line.

The Convention will still apply to all of you whether you co-operate or not, but those who do co-operate will agree to regard as suspended those clauses which limit the nature or location of your work.

Many of you who co-operate will nevertheless continue to be employed on agriculture or on whatever work you are now doing but you will have the satisfaction of knowing that your work is vital to the war effort. As far as possible technicians will be employed in their own trades.

This scheme has already been successfully employed in North West Africa for several months where 34,000 Italians volunteered and were formed into Pioneer Companies some of which are in this country. Marshal Badoglio supported their action by issuing the following proclamation :-

- - - - -

If you follow your compatriots example, you will be given the following advantages :-

- - - - -

3216

68

APPENDIX "D"

CASE NO:

DATE:

SPECIMENRETURN OF PRISONERS OF WAR TO NORTH LABOUR BATTALION

LOCATION	CO-OPERATORS		NON-CO-OPERATORS		TOTAL
	N.C.O.'s SERGEANTS & ABOVE	C.P.'s INCLUDING CPL. MAJOR	N.C.O.'s SERGEANTS & ABOVE	C.P.'s INCLUDING CPL. MAJOR	
In Camp	21	320	2	16	419
<u>Hostels</u>					
1. (Insert Location)	2	68	-	1	72
2.	1	63	1	5	70
3.	1	69	-	-	70
4.	2	66	-	2	70
<u>N.D. Detachments</u>					
1. (Insert Location)	1	16	-	1	18
2.	2	21	-	-	23
3.	3	16	1	8	28
4.	2	60	-	2	64
In Billets	1	189	-	13	203
TOTAL	36	999	4	48	1087
	1035		52		

Detail Below by Range

(a) N.C.O.'s for Labour Battalions
in excess of requirements.
 Sergeants Majors 2

(b) N.C.O.'s for Labour Battalions
short of requirements.
 Sergeants 1

In Camp	N.C.O.'s SERGEANTS & ABOVE	C.R.'s INCLUDING CPL. MAJOR	N.C.O.'s SERGEANTS & ABOVE	O.P.'s INCLUDING CPL. MAJOR	
Hostels	24	353	4	16	419
1. (Insert Location)	2	65	-	1	72
2.	1	65	1	5	70
3.	1	69	-	-	70
4.	2	66	-	2	70
W.D. Detachments					
1. (Insert Location)	1	16	-	1	18
2.	2	21	-	-	23
3.	3	46	1	8	58
4.	2	80	-	2	84
In Billlets	1	189	-	13	205
TOTAL	36	999	4	48	1087

1035

52

Detail Below by Ranks(a) N.C.O.'s for Labour Battalions
in excess of requirements.

Sergeants Maggiore 2
Sergeants -

(b) N.C.O.'s for Labour Battalions
short of requirements.

Marasciallo 1
Sergeants Maggiore -
Sergeants 7

Summary of Non-ops operators

Employment	
Administrative staff ...	6
Agricultural ...	26
Timber ...	-
Quarrying ...	-
Mining ...	10
Refectory ...	4
W.D. Trackson ...	2
Protected Personnel ...	4

TOTAL ... 52 To agree with total
above

SECRET

SEC GEN

5-1813

ALLIED FORCE HEADQUARTERS
APO 512

Office of the Chief of Staff

AG 383.6-3 C/S-0

19 April 1944

SUBJECT: Italian Prisoners of War.

TO : The Secretaries, Combined Chiefs of Staff,
1901 Constitution Avenue,
Washington, D. C.

23 Apr 1150
By [Signature]

1. Reference is made to NAF cable 666 of 7 April 1944 (ref: No. 29032) from this Headquarters to your office on this subject, as amended by NAF cable 670 of 8 April 1944 (ref: No. 29496). These cables explained the results of the Conference between ACC and the Badoglio Government relating to Italian Prisoners of War in Allied hands.

2. Since that time Lt. General Sir Noel Mason MacFarlane has forwarded to this office a letter from Marshal Badoglio dated April 6, 1944, translation of which is enclosed for your information.

3. It is requested that the communication from Marshal Badoglio be forwarded to the British and American Governments, which action has been recommended by General MacFarlane.

For the Supreme Allied Commander, Mediterranean Theatre:

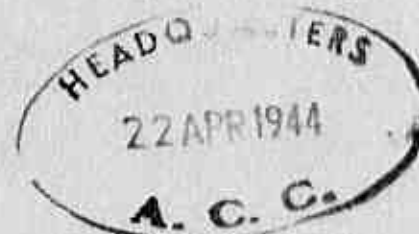


J. A. H. GARNELL,
Lieutenant General,
Chief of Staff.

Incls:
as above.

Copy (with incl.) to:-
British Chiefs of Staff.

Handwritten: *Am 21/4*



32167

SECRET

CC 181186

NF

also Capt. Stone

8 April 1944.

file 64

I have received your letter of 6 April 1944, with further reference to our discussions relating to Italian prisoners of war held in custody by the Governments of the United States and the British Commonwealth.

I have forwarded a copy of your letter to the Supreme Allied Commander, Mediterranean Theater, with the request that the further considerations contained in your letter be brought to the attention of the Governments which I represent.

NOEL MASON MACFARLANE
Lieutenant General,
Chief Commissioner.

S. E. Marshal Pietro Badoglio,
Capo del Governo.

CC/G/184

SECRET

NE
also Capt. Stone

3 April 1944.

MEMORANDUM

TO: Allied Force Headquarters
(ATTENTION: Chief of Staff)

filed 61

1. Reference is made to my telegram no. M 137 (Fatima) dated 5th April, regarding the status of the prisoner of war discussions with the Italian Government.
2. A further communication on this subject has now been received from the Chief of the Italian Government, a copy of which in translation is enclosed.
3. Although, as the communication itself states, the discussions regarding a proposed prisoner of war agreement have been terminated, it will be noted that Marshal Badoglio requests that certain further considerations be taken into account in this respect.
4. It would be appreciated if the contents of Marshal Badoglio's letter could be brought to the attention of the Governments of the United States and the British Commonwealth. I am informing him that his communication has been submitted to Allied Force Headquarters with the request that it be forwarded to the Governments concerned.

NOEL MASON MACFARLANE
Lieutenant General,
Chief Commissioner.

65

HQ ACC. APR 27
Sec'y Gen.
Rec'd 7 Apr 0840
By AKG

File No. 1031
OFFICE OF THE CHIEF OF THE GOVERNMENT

Salerno, 6 April 1944.

TO: GENERAL SIR NOEL MASON MACFARLANE
Chief of the Allied Control Commission
Naples

Political Section

Dear General:

I think it ought to send this to Algiers for Washington & London - it is all

Although the Prisoner of War question was yesterday settled verbally between us, I feel that I must place before you in writing some considerations which rise in me upon reading your letter. *firstly*

sound sentiment. I think I should reply and
The problem of the prisoners, such as it has been posed between the Anglo-American Governments and the Italian Government, is a matter of free action for both parties. *would be fear of a draft. how?*

This is to say that both parties have the right to advance basic principles and to discuss them freely.

Nor in my opinion can one of the parties be accused of lacking in its support of the war effort, if it does not adhere to the principles of the other party.

You affirm that the principles expounded by the Allied Governments are based on the laws in effect in the United States and in the British Commonwealth.

I cannot adduce any written Italian law which applies to the case in question, inasmuch as for us the only law is the Geneva Convention.

But beyond any written law there is for the Italian Government a moral law which imposes upon it the obligation of safeguarding the fate of its sons, so that no recriminations can be made it by the families which are already in such anxiety for their dear ones.

The Italian Government has in these seven months given so many and convincing proofs of its complete loyalty and devotion to the common cause, that it cannot be accused of lack of cooperation if it does not accept terms which its conscience does not permit it to agree to.

The fact itself that we allowed that our Units would be armed to fight with you on any front, demonstrates our decisive will to contribute in every way to the present war effort.

Incidentally, the agreement previously discussed by General Gazzera in the United States of America, proves that at that time that Government did not consider contrary to its interests the proposals which I have now advanced.

This I have wanted to write to you, my dear General, so that never any shadow will fall upon the spotless loyalty which has always regulated and will regulate our common relationship.

Very cordially and sincerely,

Copy to

/s/ BADOGLIO

3213 *64*

NR. 1031 DI PROT.



IL CAPO DEL GOVERNO

SALERNO, Lì 6 APRILE 1944

HQ 45 C. APO 394
Sec'y Gen.
Rec'd 6 Apr 1730
By [Signature]

AL SIGNOR GENERALE

SIR NOEL MASON MACFARLANE

CAPO DELLA COMMISSIONE ALLEATA DI
CONTROLLO

N A P O L I

CARO GENERALE,

SEBBENE LA QUESTIONE DEI PRIGIONIERI DI GUERRA SIA STATA IERI DEFINITA VERBALMENTE FRA NOI, SENTO CHE È NECESSARIO CHE IO ESPONGA PER ISCRITTO ALCUNE CONSIDERAZIONI CHE SORGONO IN ME DALLA LETTURA DELLA SUA LETTERA.

LA QUESTIONE DEI PRIGIONIERI, COSÌ COME È STATA POSTA FRA I GOVERNI ANGLO-AMERICANO ED IL GOVERNO ITALIANO, È UNA QUESTIONE DI LIBERA TRATTAZIONE PER ENTRAMBI LE PARTI.

GIÒ VUOL DIRE CHE ENTRAMBI LE PARTI HANNO IL DIRITTO DI PORRE PRINCIPI BASILARI E DI DISCUTERE LIBERAMENTE.

NE A PARER MIO SI PUÒ INCOLPARE UNA DELLE PARTI DI VENIR MENO ALL'APPORTO ALLO SFORZO BELLICO, SE NON ADE-
RISCE AI PRINCIPI DELL'ALTRA PARTE.

3212 8-4
64



IL CAPO DEL GOVERNO

- 2 -

ELLA AFFERMA CHE I PRINCIPI ESPOSTI DAI GOVERNI ALLEATI SONO REDATTI IN BASE ALLE LEGGI IN VIGORE NEGLI STATI UNITI E NELLA COMUNITÀ BRITANNICA.

IO NON POSSO CITARLE ALCUNA LEGGE SCRITTA ITALIANA CHE REGOLI IL CASO IN QUESTIONE, GIACCHÉ PER NOI UNICA LEGGE È LA CONVENZIONE DI GINEVRA.

MA AL DI SOPRA DI OGNI LEGGE SCRITTA STA, PER IL GOVERNO ITALIANO, UNA LEGGE MORALE CHE GLI FÀ OBBLIGO DI TUTELARE LA SORTE DEI SUOI FIGLI IN MODO CHE NESSUNA RECRIMINAZIONE POSSA ESSERGLI FATTA DALLE FAMIGLIE GIÀ IN TANTA ANSIA PER I LORO CARI.

IL GOVERNO ITALIANO HA IN QUESTI SETTE MESI DATE TANTE E CONVINCENTI PROVE DELLA SUA COMPLETA LEALTÀ E DEDIZIONE ALLA CAUSA COMUNE, CHE NON GLI SI PUÒ FARE ACCUSA DI MANCATA COLLABORAZIONE SE NON ACCETTA CONDIZIONI CHE LA SUA COSCIENZA NON GLI PERMETTE DI ACCOGLIERE.

IL FATTO STESSO CHE NOI AMMETTEVAMO CHE REPARTI NOSTRI FOSSERO ARMATI PER COMBATTERE CON VOI SU QUALSIASI FRONTE, DIMOSTRA LA NOSTRA DECISA VOLONTÀ DI CONCORRERE IN OGNI MODO ALLO SFORZO BELLICO IN ATTO.

DEL RESTO LA CONVENZIONE GIÀ DISCUSSA DAL GENERALE GAZZERA NEGLI STATI UNITI D'AMERICA, DIMOSTRA CHE ALLORA QUEL GOVERNO NON RITENEVA CONTRARIE AI SUOI INTERESSI LE PRO-

./3211

64



IL CAPO DEL GOVERNO

- 3 -

POSTE CHE ORA IO HO INOLTRATO.

QUESTO IO HO DESIDERATO SCRIVERLE, CARO GENERALE, PERCHÉ MAI UN'OMBRA QUALSIASI POSSA OFFUSCARE LA LIMPIDEZZA E LA LEALTÀ CHE HANNO SEMPRE REGOLATO E CHE REGOLERANNO I NOSTRI COMUNI RAPPORTI.

MOLTO CORDIALMENTE E SINCERAMENTE.

Barlunga

3213

(64)

TOP SECRET

2989

161030

SECRETARY GENERAL

6 APRIL 1944

TOP SECRET

EXT. 174

OPERATIONAL PRIORITY

LT COL PHILLIMORE
H-7.2

TROOPERS

folio # 55

FIRST DESPITE BADOGLIO'S ATTITUDE AT CONVERSATION WITH CHIEF COMMISSIONER
2 8 9 7
REFERRED BY TWO EIGHT NINE SEVEN APRIL TWO ITALIAN GOVERNMENT SUBSEQUENTLY
PRESENTED REDRAFT OF AGREEMENT WHICH RETAINED INSISTENCE ON STATUS AND
COMMAND SHOWING THAT FURTHER NEGOTIATION WAS HOPELESS PD PAREN TO TROOPERS
FOR DFW FROM PHILLIMORE FROM FATIMA SIGNED MAGFARIANE PAREN BADOGLIO CONFIRMED
YESTERDAY AT CONVERSATION WITH CHIEF COMMISSIONER THAT ITALIAN GOVERNMENT
WERE NOT PREPARED TO ACCEPT THESE BASIC PRINCIPLES PD NEGOTIATIONS ACCORDINGLY
CONCLUDED PD PARA SECOND CHIEF COMMISSIONER HAS CABLED FREEDOM FULLY ADDING
VIEWS ON CHANCES OF ITALIAN REACTION IF SCHEME IMPLEMENTED ON VOLUNTEER BASIS
TO MEET IMMEDIATE NEEDS PD PARA THIRD PD RECOMMEND YOU ORGANIZE PRISONERS OF
WAR AS PROPOSED PENDING DECISION EMPLOY VOLUNTEER UNITS ON WAR WORK PD USA
HAVE ALREADY TAKEN THIS STEP PD PARA FOURTH PD LEAVING HERE THIS MORNING WITH
DEAN PD SHOULD ARRIVE SATURDAY

Copies:
Col.

folio # 61

3209

L. T. MONTANT, JR
2nd Lt, AGO
Adjutant

(13)

TOP SECRET

SECRET

2980

5 APRIL 1944

SECRETARY GENERAL

Wkt. 174

SECRET

CAPT. COLLINS

PRIORITY

FREEDOM

ARRIVING BY PLANE TOMORROW ARE LT COL PHILLIMORE AND MR DEAN HAVING COMPLETED
MISSION TO THIS HEADQUARTERS PD PARAN TO AFHQ FOR PROAB FROM FATIMA SIGNED
MAGFARLANE PARAN DEPART CAPODICHINO ONE TWO ZERO ZERO HOURS SIX APRIL PD
PLEASE ARRANGE ONWARD JOURNEY TO UNITED KINGDOM

3886-

3208

L. F. MONTAGUE, JR
2nd Lt, AGD
Adjutant

(62)

SECRET

TOP SECRET

FATIMA M137

FATIMA (GHE MACFARLANE C CORN)

5th. April. 1944.

TOP SECRET

v 16

PRIORITY

FREEDOM

folio 460

SUBJECT PRISONERS OF WAR PD REFERENCE MY FATIMA WIRE ONE THREE SIX PD PART ONE PD APPEAL FOR
GENERAL WILSON CMA BRITISH RESIDENT MINISTER AND CIVIL AFFAIRS FROM FATIMA FROM MACFARLANE
PERSONAL PAREN PART ONE PD AS THE RESULT OF MY CONVERSATIONS WITH BAROGGIO AND GAZZERA
I AM CONVINCED THAT THERE IS NO PROSPECT EITHER NOW OR IN THE FUTURE OF REACHING AN
AGREEMENT WITH THE ITALIAN GOVERNMENT WHICH DOES NOT PROVIDE FOR ABOLITION OF PRISONER OF
WAR STATUS PD IN CONSIDERING FUTURE POSSIBLE COURSES OF ACTION THE FOLLOWING MAY BE
HELPFUL PD PART TWO PD IN OUR OPINION HERE THE LOGICAL COROLLARY TO REGARDING THE
ITALIANS AS CO DASH BELLIGERENTS IS TO RELEASE THESE PRISONERS OF WAR FROM THEIR PRESENT
STATUS AND TO FORM THEM INTO UNITS OF THE ITALIAN ARMY AS LABOUR UNITS FOR EMPLOYMENT IN
AREAS WHERE THE PRESENT JURISDICTIONAL DIFFICULTIES DO NOT APPLY CMA PRINCIPALLY IN THE
MEDITERRANEAN AREA AS MANY AS POSSIBLE BEING EMPLOYED IN ITALY PD I REALISE THAT THIS
WOULD INVOLVE A MAJOR DISLOCATION OF LABOUR AND A VERY DIFFICULT SHIPPING PROBLEM PD
THESE PROBLEMS WILL IN ANY CASE HAVE TO BE SOLVED EVENTUALLY AND THE EARLIER THE BETTER
FROM THE STANDPOINT OF GOOD RELATIONS WITH ITALY PD PART THREE PD IF IT IS IMPOSSIBLE
TO MOVE THESE PRISONERS OF WAR AS SUGGESTED AND THUS AVOID THE STATUS PROBLEM CMA I
REALISE THAT SPECIAL LEGISLATION WOULD HAVE TO BE PASSED TO PROVIDE FOR THE MAINTENANCE

FATIMA M137 - 2

OF DISCIPLINE AND PAY FOR ITALIAN ARMY UNITS IN AMERICAN AND BRITISH TERRITORIES PD
PART FOUR PD SHOULD NEITHER OF THESE COURSES PROVE POSSIBLE THERE IS NEVERTHELESS AN
IMMEDIATE NEED FOR USING THESE PRISONERS OF WAR ON TYPES OF WORK NOT PERMITTED BY THE
GENEVA CONVENTION PD IT IS CLEAR THAT THE EMPLOYMENT OF ITALIAN PRISONERS OF WAR ON SUCH
WORK WOULD BE A TECHNICAL BREACH OF THE CONVENTION PD HOWEVER ARTICLE THREE ONE OF THE
CONVENTION WAS FRAMED IN ORDER TO PREVENT PRISONERS OF WAR BEING COMPELLED TO ASSIST
DIRECTLY IN THE ENEMY'S EFFORT AGAINST THEIR OWN COUNTRY AND THIS CONDITION IS
INAPPLICABLE IN PRESENT CIRCUMSTANCES PD IN ADDITION THE ASSURANCES I HAVE RECEIVED FROM
BADOGLIO INDICATE THAT HE IS ANXIOUS TO DO EVERYTHING POSSIBLE TO ENABLE ITALIAN
PRISONERS OF WAR TO TAKE A GREATER SHARE IN HELPING OUR WAR EFFORT AGAINST THE ENEMY PD
I AM THEREFORE OF THE OPINION THAT SHOULD THE DECISION BE MADE TO USE THESE ITALIANS ON
WAR WORK BADOGLIO CMA WHILE RESERVING ALL HIS RIGHTS CMA IS UNLIKELY TO APPEAL TO THE
PROTECTING POWER PARTICULARLY IF THE WORK IS DONE ON A VOLUNTEER BASIS AND IS
ACCOMPANIED BY BETTER TREATMENT IN RESPECT OF PAY CMA LIBERTIES ETC PD THERE IS ALWAYS
A CHANCE THAT SOMEONE OTHER THAN BADOGLIO WILL RAISE THE QUESTION ON POLITICAL GROUNDS
CMA BUT THIS COULD BE AT LEAST PARTIALLY OFFSET BY INVITING ITALIAN OFFICERS TO OBSERVE

3206/

FATIMA M137 - 3

THE OPERATION OF THE PLAN ONCE IT IS IN PROGRESS PD PART FIVE PD ~~IF~~ IF THIS PLAN IS
ADOPTED ON A VOLUNTARY BASIS TO MEET OUR IMMEDIATE NEEDS WE HAVE GOOD REASONS FOR HOPING
THAT THERE WILL BE NO SERIOUS POLITICAL REPERCUSSIONS PD ~~WHILE~~ WHILE BAROGLIO IS UNWILLING
TO SIGN AWAY ITALIAN RIGHTS UNDER THE GENEVA CONVENTION HE MIGHT WELL BE WILLING TO
ADOPT THE NEGATIVE ATTITUDE OF LEAVING US TO SHOULDER THE RESPONSIBILITY FOR OUR OWN
DECISIONS PD ~~IT~~ IT MUST HOWEVER BE REALISED THAT PROLONGED CONTINUATION OF PRISONER
OF WAR STATUS WILL ADVERSELY AFFECT OUR CO DASH BELLIGERENT RELATIONS WITH ITALY

3205

NOEL MASON MACFARLANE
Lieutenant-General.
Chief Commissioner.

61

TOP SECRET

FATIMA M136

FATIMA (GEN MACFARLANE C COMM)

5th. April, 1944.

TOP SECRET

v 16

PRIORITY

GEN. MACFARLANE

FREEDOM

folio #54

SUBJECT PRISONERS OF WAR PD PAREN TO AFHQ FOR GENERAL WILSON CMA BRITISH RESIDENT
MINISTER AND CIVIL AFFAIRS FROM FATIMA FROM MACFARLANE PERSONAL PAREN *FATIMA*
ONE THREE ONE PD PART ONE PD BADOGLIO'S WRITTEN COMMUNICATION REACHED ME LAST NIGHT
AND CONSISTED OF A REIRAF OF THE AGREEMENT PD THIS REIRAF WAS UNACCEPTABLE AS IT DID
NOT REPEAT NOT MEET OUR REQUIREMENTS AS REGARDS COMMAND AND STATUS PD PART TWO PD
I REPLIED TO BADOGLIO IN WRITING THIS MORNING AND PRESENTED MY LETTER TO HIM IN PERSON
PD IN THIS LETTER I INFORMED BADOGLIO THAT HIS ATTITUDE MADE IT CLEARLY PROFITLESS TO
CONTINUE NEGOTIATING AN AGREEMENT ON THE LINES DESIRED BY THE GOVERNMENTS WHICH I
REPRESENTED AND THAT I PROPOSED TO REPORT THIS TO MY GOVERNMENTS PD THE LETTER WAS
TRANSLATED FOR BADOGLIO WHO STATED THAT HE WAS IN AGREEMENT WITH MY CONCLUSION PD PART
THREE PD COPIES OF ALL THE CORRESPONDENCE BETWEEN GAZZERA AND BADOGLIO AND MYSELF
TOGETHER WITH COPIES OF THE DRAFTS AND REIRAFS SUBMITTED BY BOTH SIDES WILL BE TAKEN
BY DEANE AND PHILLIMORE WHO LEAVE FOR ALGIERS TOMORROW PD PART FOUR PD AT THE END
OF OUR DISCUSSION THIS MORNING BADOGLIO ASKED ME TO MAKE HIS POSITION VERY CLEAR TO
MY GOVERNMENTS PD HE WAS EXTREMELY ANXIOUS TO DO EVERYTHING POSSIBLE TO ENABLE ITALIAN
PRISONERS OF WAR TO TAKE A GREATER SHARE IN HELPING OUR WAR EFFORT AGAINST THE ENEMY PD

folio #59

3204

(69)

FATIMA M136 - 2

HE NATURALLY WELCOMED ANY AMELIORATION THAT MIGHT BE POSSIBLE AS REGARDS THE WELFARE AND CONDITION OF THESE PRISONERS PD THE QUESTION OF THESE PRISONERS OF WAR WAS HOWEVER ONE OF IMMENSE IMPORTANCE TO THE ITALIAN PEOPLE PD THERE WAS SCARCELY AN ITALIAN FAMILY WITHOUT A MEMBER HELD PRISONER OF WAR BY ONE OR OTHER OF THE ALLIES PD THE ITALIAN PEOPLE COULD NOT UNDERSTAND HOW AFTER SEVERAL MONTHS OF CO DASH BELLIGERENCE AND COOPERATION IN WHICH ITALIAN SOLDIERS CMA SAILORS AND AIRMEN HAD FOUGHT BESIDE THEIR BRITISH AND AMERICAN COMRADES IT WAS STILL POSSIBLE FOR AMERICA AND GREAT BRITAIN TO INSIST UPON THESE PRISONERS RETAINING THE STATUS OF PRISONERS OF WAR PD SHOULD HE SIGN AN AGREEMENT ACKNOWLEDGING THIS STATE OF AFFAIRS HE WOULD INCUR THE ODIUM OF THE WHOLE ITALIAN PEOPLE AND HE WOULD HAVE NO OPTION BUT TO RESIGN PD PART FIVE PD I TOLD BALOGGIO THAT I WOULD REPORT THE RESULT OF OUR NEGOTIATIONS TO MY GOVERNMENTS AND THAT I MUCH REGRETTED THAT HE HAD FOUND IT IMPOSSIBLE TO NEGOTIATE AN AGREEMENT ON THE LINES THAT HAD BEEN PRESENTED TO HIM CMA AS THE ATTITUDE WHICH HE HAD ADOPTED COULD NOT FAIL TO HAVE AN ADVERSE EFFECT ON THE RELATIONS BETWEEN MY GOVERNMENTS AND THE ITALIAN GOVERNMENT PD I WAS SURE THAT HE WOULD AGREE WITH ME THAT THIS WAS MOST UNFORTUNATE PD HE AGREED UNRESERVELY BUT REITERATED THE FACT THAT ITALIAN POPULAR OPINION MADE IT QUITE

3203

60

FATIMA M136 - 3

IMPOSSIBLE FOR HIM TO SIGN AND THAT SIGNATURE WOULD INEVITABLY ENTAIL HIS
DISCREDITMENT IN ITALIAN EYES AND INEVITABLE RESIGNATION PD PART SIX PD I OBTAINED
MACKILLAN'S APPROVAL TO THE ACTION I WAS GOING TO TAKE BEFORE SEEING BAROGGIO PD
MY ACTION WAS ALSO AGREED BY REBER AND CACCIA PD I CONSULTED BERRY CMA DEANE AND
PHILLIMORE ON ALL TECHNICAL QUESTIONS THROUGHOUT

3202

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

60

CC/P/175

TOP SECRET

FNM/rj

5th. April, 1944.

file 57

I have received your letter No. 998 of April 3rd, enclosing a redraft of an agreement regarding the use of Italian Prisoners of War held by the Governments of the U.S.A. and the British Commonwealth.

2. In this redraft you have failed to comply with the directions of the Governments which I represent as regards the two basic principles of Command and Prisoner of War status.

3. I have explained the situation as regards these two questions very fully and on several occasions to your representatives and to yourself. At my last meeting with you I left you a draft agreement which represented within the latitude allowed me by the Governments which I represent the furthest concessions that I could make to meet your wishes. I had expected to receive from you only some questions on my draft and not a redraft of the agreement which does not take into account the basic principles which according to the existing laws of the United States and the British Commonwealth must govern the treatment of such units.

4. In these circumstances I must conclude that the Italian Government does not accept these principles and that it is profitless to continue negotiating an agreement. I propose, therefore, to inform my Governments accordingly.

5. You will not fail to appreciate the importance that my Governments attach to the contribution to the war effort which such an agreement would have made.

S.E. Marshal Pietro Badoglio,
Capo del Governo.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner

(59)

TRANSLATION

SECRET & URGENT

.....
 : HQ ACC, APO 394 :
 : Sec'y Gen :
 : Rec'd 6 Apr 0945 :
 : DEE :
 :

THE HIGH COMMISSIONER FOR THE PRISONERS OF WAR

No. 41 Pol.

Cava dei Tirreni, 4 Apr 44

TO: General Noel MASCI MACARLANE, President Allied Control Commission, Salerno.

Dear General:

I am forwarding herewith a note in regard to the points brought out by me in person during the meeting of March 28th at Salerno, in reference to the known drafts of Agreement relative to Italian prisoners.

Respectfully,

/s/ GEN. CAZZERA.

HIGH COMMISSIONER FOR THE PRISONERS OF WAR

1 April 1944

1. - a) The Italian Government--desirous as it is to give utmost scope to its act of co-belligerency, in all fields where it is enabled to do so--accepts your proposal to negotiate with the French Committee an agreement similar to the one which is now under discussion with the Control Commission, in regard to the Italian prisoners of war held by the French Committee. And this without desiring to enter into the merits of the illegality of transfer of prisoners to the French and in any prejudicing the question thereof. It would therefore be grateful to the Control Commission

(1) if it will inform the R. Government through what way it can negotiate the analogous agreement with the French Committee;

(2) if it will use its good offices so that this agreement can be concluded within the shortest possible time, in the confidence which is held that it may bring about a definite change in the treatment of Italian prisoners in French hands.

Because the present situation of these prisoners, as far as the Italian Government is aware of, is outright intolerable, the R. Government, complementing unofficial steps already taken, will request the urgent intervention of the Control Commission so that their treatment be at least brought in line with the provisions of the Geneva Convention, without in any way being subordinated to the conclusion of agreements with the British and American Governments now under study.

- b) The R. Italian Government notes that no other Italian prisoners of war captured by American or British Forces will be further ceded to the French.

2. Use of Prisoners. The R. Government notes with satisfaction the promise that the Italian prisoners of war will be used only in work similar to what is

3836-

... of Agreement relative to Italian prisoners.

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- b) The R. Italian Government notes that no other Italian prisoners of war captured by American or British Forces will be further ceded to the French.

2. Use of Prisoners. The R. Government notes with satisfaction the promise that the Italian prisoners of war will be used only in work similar to what is being done by white British or American Forces and in the same localities.

3. The R. Government has noticed with satisfaction what in its proposal the Allied Control Commission has renounced--the concept of forming units only by using volunteers. However the R. Government is forced by the prevailing Italian military law to request that all its soldiers--prisoners or non-prisoners--be treated in the same way. It must, therefore insist in its request that all the Italian war prisoners be incorporated into units as it was indicated in the scheme attached to the proposed agreement, which I submitted at the meeting of March 25.

Eventual modifications to this organization may be jointly considered, however maintaining their Italian characteristics. The enclosed draft indicates also the procedure in which to provide for the Italian military personnel unsuitable for work, and also for those who, in quite exceptional manner, for well-founded reasons, considered undesirable by the Allies.

58A

SECRET

To isolate these undesirables into Units, which are also to be utilized, would void their harmful influence among the other prisoners. The Italians must all be included into units, and all have the same treatment; the Geneva Convention itself in its Article 4 requires this. Nor could the R. Government allow on the other hand that those citizen-soldiers might conceivably be in any way punished for their political ideas if they do not commit any disciplinary violations. Provision for the formation of these units will be made in the order which the R. Government will issue upon conclusion of agreement, so that the prisoners will devote all their energies to the work of co-belligerency. The possible recalcitrants would suffer upon their return to their country, in accordance with Italian law, the consequences of their disobedience.

4. As regards the command of Italian units, by law, by the military traditions and the sense of dignity of Italians, the R. Government must require that Italian units be commanded by Italian officers, who will take care--they and they alone--of the discipline of their units. The Allied Governments, if they so desire, could place a liaison officer with Italian officers. The system proposed by the American and British Governments may function well from their point of view, but it is harmful to Italian interests, and contrasts decidedly with regulations, with Italian military customs and with Italian sentiment.

5. As regards the question of the status of prisoner of war which it is desired to retain for prisoners of war, this present juridical aspect and a practical aspect. As far as the juridical aspect is concerned, an explanation of the Italian view-point is enclosed.

From the practical point of view, the difficulties which might arise in the actual application are foreseen in the draft attached to the agreement plan (presented in the conference of March 25) and there have been indicated in Articles 4 and 5 the possibilities of local limitations and local regulations ~~at~~ to remove the possibilities of incidents, hardly likely, by the way.

Then, as regards the statements contained under point 7 of the note enclosed with your letter CC/P/157, it is pointed out:

a) it is not understood why other nations should resent the fact that Italian prisoners who work for victory receive the treatment which justice, humanity and convenience impose;

b) as regards the possible maltreatment of British and American prisoners of war at Benghazi, this is not now known here, and at any rate the R. Government deplores same, not without remarking that Benghazi was an evacuation camp; that in the evacuation camps the Geneva Convention is passed over, recognizing all the difficulties to apply in them the treatment prescribed for the permanent camps; and that, in the ultimate analysis, in this argument "who is without sin throw the first stone", and the R. Government could present complaints relative to evacuation camps in Egypt, British Somaliland, etc.....

The R. Government can on the other hand mention the aid given by the Italian people to Allied prisoners of war immediately after the Armistice ¹⁹⁴⁵ a few Italians have due to this fact been shot by the Germans!

These are facts that, if made known in England and the United States,

units be commanded by Italian officers, who will take care--they and they alone-- of the discipline of their units. The Allied Governments, if they so desire, could place a liaison officer with Italian officers. The system proposed by the American and British Governments may function well from their point of view, but it is harmful to Italian interests, and contrasts decidedly with regulations, with Italian military customs and with Italian sentiment.

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The R. Government can on the other hand mention the aid given by the Italian people to Allied prisoners of war immediately after the Armistice ¹⁹⁴⁵ a few Italians have due to this fact been shot by the Germans!

These are facts that, if made known in England and the United States, can only arouse feelings of sympathy among the peoples and therefore toward the Italian prisoners of war:

c) The limitation to complete freedom of the prisoners of war would be taken up in the attached scheme, as it has now been recalled;

d) and indeed prisoners of war returning from India, England and America did not have the impression of being disliked by the local population: on the contrary!

However we are now trying to bring up elements for an agreement and not disharmony.

58A

SECRET

6. It is believed that the agreement should include, besides the basic principles on which it is founded, also the essential points dealing with the treatment to be used toward the prisoners of war after the R. Government has renounced, with regard to them, the Geneva Convention. Also the financial treatment will have to be clearly outlined; also the British and American Governments have shown to share this opinion when, upon submitting the original proposal to the Italian Government in January 1944, they added a part dealing with the financial treatment.

7. The Italian Government, upon accepting that, after the formation of Italian units in accordance with its proposal, it may be possible to do without the work of the Protecting Power, and entrust all its attributes and faculties to military representatives chosen from among the military personnel itself, reserves itself to designate (with the agreement of the Government concerned) the general to be the head of the organization and who will be the Italian representative in matters concerning Italian military personnel already prisoners of war in any territory.

8. A point which also will have to be included in the agreement, as desired by the R. Italian Government, is that concerning the repatriation of the overstrength in officers with regard to the organization of the units. Attention is called to that which is proposed in Article 7 of the attached scheme submitted at the meeting of March 25.

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HIGH COMMISSIONER FOR THE PRISONERS OF WAR

LEGAL COMMENT

1. The prisoner of war is merely a foreigner become subject by force and dangerous;
--by force, because taken and transferred by force under the sovereignty of the detaining power;
--dangerous, because he has the duty of making every effort to regain in his own army his place as a combatant against the Detaining Power.
2. As a foreign subject by force he should enjoy all the rights which foreign subjects have; the co-activity of his subjection not being relevant to these ends.
As a dangerous foreign subject he should be subjected to all the safety measures which his danger advises.
3. This is in synthesis the juridical foundation of the statute of the prisoner of war which has been determined at the Geneva Convention on July 27, 1929. - a statute which protects at the same time the prisoner of war and just interests of the detaining Power concerning safety.
4. From this it follows that if the detaining Power ceases to be dangerous of the National State of the prisoner of war, he ceases to be dangerous because upon rejoining his army he would no longer have the duty nor the possibility of

3192

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4. From this it follows that if the detaining power ceases to be ³¹⁹³very of the National State of the prisoner of war, he ceases to be dangerous because upon rejoining his army he would no longer have the duty nor the possibility of fighting against that power.

He no longer being dangerous, the safety measures of the "imprisonment" would no longer have reason to exist, and the prisoner of war should cease to be such in order to remain exclusively a foreign subject by force.

Because, then, it is a legal absurdity that a foreigner, who is not a prisoner of war, be subject by force, he should be immediately released, that is, returned.

In fact, the Geneva Convention prescribes that in the same treaty of armistice the repatriation of the prisoners of war be provided (Art. 75), because with the Armistice, the condition of counter belligerency ceases di fatto as well as by right. If the said article states that the status of imprisonment can exist up to the peace or even beyond, it admits this as an exception exclusively.

58A

SECRET

5. Now if the belligerents not only cease to be enemies, but become even friends and if the National State of the prisoners of war consents or decides that these serve or work for the detaining State, once an enemy, in the same territory, it follows that the prisoners of war, already returned by right to the pure and simple condition of foreign subjects, will remain in the ex-detaining State as such, as foreign workers, not as an army corps having its own military character and individuality, because they will lack the most essential attribute of military force which is armament and their disciplinary organization will be nothing but an instrument of internal cohesion of nuclei and increase of their efficiency.

6. And then, as organized foreign subjects who reside and work in the territory of coteilligient friendly States, the Italian Military personnel:

(1) Should, insofar as concerns the military discipline which is the framework and the cement at the time of their internal organization, be subject to the Italian military laws and regulations for all deviations of disciplinary character committed by them;

(2) Should, insofar as concerns other relationships, be subject to the laws of the territory in which they reside, as other subjects of the State which offers them hospitality.

7. More specifically, such-constructed organization of the Italian ex-prisoners in labor corps would not give life, for the reasons set forth in paragraph 5, to the true and proper military units operating in territories subject to the absolute sovereignty of the coteilligient States, nor to the institutions or agencies invested with a power of control in a foreign State, no matter how friendly. Such corps, in fact, will have their own set-up, with efficiency simply internal, necessary for the proper operation of the same units and for the prosecution of the common aims of the coteilligients. Such arrangement will reflect, that is, only the basis, the leadership, the discipline and the administration of the various units and will not prejudice, nor could limit in any way, the sovereignty of the State which gives them hospitality, nor the effectiveness of its territorial laws, applicable to temporary subjects, as which the members of these units, singly taken (uti singuli) are to be considered.

8. This stated, and established that there is within the constitutional framework of the States which are to be host to and utilize these units, a principle which prohibits the exercise of any affirmation of foreign power within the territory of such States and their Colonies, Dominions, etc., there is no reason to retain necessary an appropriate legislative intervention in derogation to this principle:

I. because said principle does not constitute an absolutely rigid norm but is subject to elastic interpretation and application, which leaves in practice ample opportunity to discern what facts may effectively violate same or not. Elasticity deriving both from the nature of the subject and the aims which the principle pursues, and the nature of the legal sources of the principle proper; which, it appears, is not sanctioned by an express ~~for~~ ^{principle} vision of law, but is rather one of those juridical principles characteristic of rules based, as the English, on habits, customs, traditions or mere precedent (cases) and therefore in a large part tied to evaluations of political

(1) Should, insofar as concerns the military discipline which is the framework and the cement at the time of their internal organization, be subject to the Italian military laws and regulations for all deviations of disciplinary character committed by them;

(2) Should, insofar as concerns other relationships, be subject to the laws of the territory in which they reside, as other subjects of the State which offers them hospitality.

7. More specifically, such-constructed organization of the Italian ex-prisoners in labor corps would not give life, for the reasons set forth in paragraph 5, to the true and proper military units operating in territories subject to the absolute sovereignty of the cobelligerent States, nor to the institutions or agencies invested with a power of control in a foreign State, no matter how friendly. Such corps, in fact, will have their own set-up, with efficiency simply internal, necessary for the proper operation of the same units and for the prosecution of the common aims of the cobelligerents. Such arrangement will reflect, that is, only the basis, the leadership, the discipline and the administration of the various units and will not prejudice, nor could limit in any way, the sovereignty of the State which gives them hospitality, nor the effectiveness of its territorial laws, applicable to temporary subjects, as which the members of these units, singly taken (uti singuli) are to be considered.

8. This stated, and established that there is within the constitutional framework of the States which are to be host to and utilize these units, a principle which prohibits the exercise of any affirmation of foreign power within the territory of such States and their Colonies, Dominions, etc., there is no reason to retain necessary an appropriate legislative intervention in derogation to this principle.

I. because said principle does not constitute an absolutely rigid norm but is subject to elastic interpretation and application, which leaves in practice ample opportunity to discern what facts may effectively violate same or not. Elasticity deriving both from the nature of the subject and the aims which the principle pursues, and the nature of the legal sources of the principle proper; which, it appears, is not sanctioned by an express formal provision of law, but is rather one of those juridical principles characteristic of rules based, as the English, on habits, customs, traditions or mere precedent (cases) and therefore in a large part tied to evaluations of political character, contingent upon and determining precisely the practical flexibility;

II. because, in the assumed case no limitation takes place (neither positive nor negative) of the sovereignty of the States formerly holding war prisoners, so that the assumed case itself escapes the application of the above principle (which is uniquely devoted to the safeguard of sovereignty), to assume the value of a pure and simple form of internal autonomy, perfectly conforming with the general principles of anglo-saxon laws and rather characteristic of same;

58A

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Declassified E.O. 12356 Section 3.3/NND No. 785015

III. because in the case the indicated solution appears as the only one possible; indeed, while it violates no legal, political or moral interest of the State being host to and utilizing the units thus constituted (which place themselves at their complete disposal and to which the Allied Commands can give all orders and directives considered necessary, through the respective Italian commands), safeguards the political and moral prestige of Italy and assures the maximum efficiency of the said units; be it for obvious psychological reasons, be it for likewise obvious technical organizational reasons, be it finally for the possibility of defining clearly and unequivocally the functions and responsibilities of the Italian Commanders.

3195

Declassified E.O. 12356 Section 3.3/NND No. 785015

3196

58A

- 5 -



SECRET

**L'ALTO COMMISSARIO
PER I PRIGIONIERI DI GUERRA**

n. 41.Pol.

Signor Generale,

Vi trasmetto una nota circa i punti di vista da me
rappresentati nella riunione del 28 marzo a Salerno, nel riguar
do dei noti progetti d'accordo relativi ai prigionieri italiani.

URGENT

Con distinta osservanza

Gen. Phazera

SECRET

URGENTE

Cava dei Tirreni, 4 aprile 1944

Al Sig. Generale
Noel MASON MACFARLANE
Presidente Comm. Alleata di Controllo
Salerno

HQ ACG, APO 394

Sec'y Gen.

Rec'd. *5 Apr 1620*

By *AKD*

3195

(SFA)

1 april 1944

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Declassified E.O. 12356 Section 3.3/NND No. 785015

1°) - a) Il Governo Italiano - desideroso com'è di dare il massimo sviluppo alla sua azione di covelligenza, in tutti i settori ove gli sia reso possibile - accetta la vostra proposta di trattare col Comitato Francese un accordo analogo a quello che si sta ora discutendo con la Commissione di Controllo per i prigionieri di guerra italiani detenuti dal Comitato Francese. E ciò senza volere entrare nel merito della illegalità della cessione avvenuta di prigionieri ai Francesi e comunque pregiudicarne la questione. Sarà pertanto grato alla Commissione di Controllo

1°) - se farà sapere al R. Governo per quale via può trattare l'accordo analogo col Comitato Francese;

2°) - se interporrà i suoi buoni uffici perchè questo accordo possa essere stipulato nel più breve tempo possibile, nella fiducia che si ha che esso possa far mutare definitivamente il trattamento dei prigionieri italiani in mano francese.

Poichè la condizione attuale di questi prigionieri, a quanto risulta al Governo Italiano, è addirittura intollerabile, il R. Governo, a complemento dei passi ufficiosi già fatti, richiederà l'intervento urgente della Commissione di Controllo affinchè il trattamento loro sia uniformato almeno alle prescrizioni della Convenzione di Ginevra, senza venire comunque subordinato alle conclusioni dell'accordo col Governo Britannico ed Americano in corso d'esame.

- b) il R. Governo Italiano prende atto che nessun altro prigioniero di guerra italiano catturato da forze Americane o Britanniche sarà ulteriormente ceduto ai Francesi.

3194

2°) - Impiego dei prigionieri. Il R. Governo prende atto con soddisfazione dell'impegno che i prigionieri di guerra italiani saranno impiegati solo

1°) - a) Il Governo Italiano - desideroso com'è di dare il massimo sviluppo alla sua azione di collaborazione, in tutti i settori ove gli sia reso possibile - accetta la vostra proposta di trattare col Comitato Francese un accordo analogo a quello che si sta ora discutendo con la Commissione di Controllo per i prigionieri di guerra italiani detenuti dal Comitato Francese. E ciò senza volere entrare nel merito della illegalità della cessione avvenuta di prigionieri ai Francesi e comunque pregiudicare la questione. Sarà pertanto grato alla Commissione di Controllo

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3194

2°) - Impiego dei prigionieri. Il R. Governo prende atto con soddisfazione dell'impegno che i prigionieri di guerra italiani saranno impiegati solo in lavori uguali a quelli che vengono compiuti dalle forze bianche Britanniche od Americane e nelle stesse località.

SECRET

- 2 -

3°) - Il R. Governo ha visto con soddisfazione che nel suo progetto la Commissione Alleata di Controllo ha rinunciato al concetto di riunire in unità solo i volontari. Ma il R. Governo è costretto dalla costante legge militare italiana a richiedere che tutti i suoi soldati - prigionieri o no - siano trattati nello stesso modo. Deve perciò insistere nel richiedere che tutti i prigionieri di guerra italiani siano incorporati in unità così come è stato indicato nello schema di allegato al progetto di accordo, che è stato da me presentato nella riunione del 25 marzo u.s.

Eventuali modificazioni a questa organizzazione potranno essere esaminate d'accordo, salvando però la caratteristica italiana di esse.

Lo schema di allegato indica anche il modo di provvedere per i militari italiani non idonei al lavoro, ed anche per quelli che, in via da ritenersi del tutto eccezionale, fossero dagli Alleati ritenuti, per fondate ragioni, indesiderabili.

Isolare gli indesiderabili in reparti, da utilizzare essi pure, eviterebbe la loro azione deleteria fra gli altri prigionieri.

Gli italiani devono essere tutti compresi in unità, ed avere tutti lo stesso trattamento; la Convenzione di Ginevra stessa al suo art. 4 obbliga a ciò. Né d'altra parte il R. Governo potrebbe consentire che quei cittadini - soldati possano, eventualmente, essere in qualche modo puniti per le loro idee politiche se non commettono alcuna mancanza disciplinare.

Provvederà alla formazione di queste unità l'ordine che il R. Governo darà, ad accordo concluso, affinché i prigionieri diano tutte le loro energie al lavoro di cobelligeranza.

Gli eventuali recalcitranti sopporteranno al loro ritorno in Patria, secondo le leggi italiane, le conseguenze della loro disobbedienza.

4°) - Circa il comando delle unità italiane, dalle leggi, dalle tradizioni militari e del senso di dignità degli italiani, il R. Governo deve esigere che le unità italiane siano comandate da ufficiali italiani, che curino essi ed essi solo - la disciplina dei loro reparti. I Governi Alleati

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- 3 -

Il sistema proposto dai Governi Americano e Eritannico può funzionare bene dal punto di vista loro, ma è dannoso per gli interessi italiani e contrasta decisamente colle norme, con le abitudini militari italiane e col sentimento italiano.

5°) - Circa la questione dello status di prigioniero di guerra che si vorrebbe conservare ai prigionieri di guerra, esso presenta un aspetto giuridico ed un aspetto pratico. In questo concerne l'aspetto giuridico si ~~avverte~~ ^{avverte} una esposizione del punto di vista italiano.

Del punto di vista pratico, le difficoltà che nell'attuazione concreta potrebbero sorgere sono state previste nello schema di allegato al progetto d'accordo (presentato nella riunione del 25 marzo) e sono state indicate negli articoli 4 e 5 le possibilità di limitazioni locali e di prescrizione locali atte a rimuovere le occasioni di incidenti, poco probabili del resto.

Nei riguardi poi delle affermazioni contenute al punto I della nota sennas-
sa al foglio CC/P/157 si osserva :

a) non si comprende perchè altre nazioni debbano risentirsi perchè ai prigionieri italiani che lavorano per la vittoria sia usato il trattamento che giustizia, umanità e convenienza impongono;

b) circa gli eventuali maltrattamenti usati a prigionieri di guerra britannici ed americani a Bengasi, essi non sono qui noti ora, e ad ogni modo il R. Governo li deplora, non senza osservare che Bengasi era campo di evacuazione: che nei campi di evacuazione la stessa Convenzione di Ginevra sorvola, riconoscendo tutte le difficoltà di usare in essi il trattamento previsto per i campi definitivi; e che, in ultima analisi, in questo argomento "chi è senza peccato scagli la prima pietra", e che il R. Governo potrebbe presentare reclami relativi a campi di evacuazione in Egitto, Somalia Britannica ecc.

Il R. Governo può d'altra parte ricordare l'aiuto dato dalla popolazione

sta decisamente colle norme, con le abitudini militari italiane e col sentimento italiano.

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Nei riguardi poi delle affermazioni contenute al punto 7 della nota annessa al foglio CC/P/157 si osserva:

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Il R. Governo può d'altra parte ricordare l'aiuto dato dalla popolazione italiana ai prigionieri di guerra Alleati subito dopo l'armistizio: non pochi italiani hanno per questo fatto subito la fucilazione da parte dei tedeschi!

3192

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Fatti questi che resi noti nel territorio Britannico e negli Stati Uniti non possono che suscitare sensi di simpatia tra i popoli, e quindi verso i prigionieri di guerra italiani;

c) la limitazione alla libertà completa dei prigionieri di guerra sarebbe prevista nello schema di allegato, come ora si è ricordato;

d) e vero dire prigionieri di guerra di ritorno dall'India, dall'Inghilterra, dall'America non hanno riportato l'impressione di essersi sentiti malvisti dalla popolazione locale: tutt'altro!

Ma qui si vogliono cercare elementi di accordo e non di contrasto.

6°) - Si ritiene che l'accordo debba comprendere oltreché i principi basilari su cui si fonda, anche i punti essenziali del trattamento che verrebbe usato ai prigionieri di guerra dopo che il R. Governo abbia per essi rinunciato alla Convenzione di Ginevra. Dovrà essere quindi anche ben definito il trattamento finanziario: di quest'avviso si sono dimostrati anche i Governi Britannico ed Americano quando, presentando il primitivo progetto al Governo Italiano nel gennaio 1944 vi annessero un annesso per il trattamento finanziario.

7°) - Il Governo Italiano nell'accettare che, formate le unità italiane come esso ha proposto, si possa rinunciare all'opera della Potenza protettrice, ed affidarne tutte le sue attribuzioni e facoltà a rappresentanze militari tratte dai prigionieri stessi, si riserva di designare esso stesso (col consenso del Governo interessato) il Generale che deve essere a capo della organizzazione e che sarà il rappresentante italiano per le questioni relative ai militari italiani già prigionieri di guerra in ogni territorio.

8°) - Un argomento che pure dovrà, per desiderio del R. Governo Italiano, essere compreso nell'accordo è quello del rimpatrio degli ufficiali esuberanti alla organizzazione in unità. Si richiama a quanto ha proposto all'art. 7 dello schema di allegato presentato nella seduta del 25 marzo 1941.

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183

ALTO COMMISSARIO PER I PRIGIONIERI DI GUERRA

APPUNTO LEGALE

1°) - Il prigioniero di guerra non è che uno straniero divenuto suddito per forza e pericoloso:

- per forza, perchè preso e trasferito di forza sotto la sovranità della Potenza detentrici;

- pericoloso, perchè ha il dovere di fare ogni sforzo per poter riprendere nel proprio esercito il posto di combattente contro la Potenza detentrici.

2°) - Come straniero suddito per forza egli deve godere di tutti i diritti che hanno i sudditi stranieri, non potendo avere rilevanza a questo fine la coattività della sua sudditanza.

Come suddito straniero pericoloso egli deve essere assoggettato a tutte le misure di sicurezza che la sua pericolosità consiglia.

3°) - Questo è in sintesi il fondamento giuridico dello status del prigioniero di guerra quale è stato posto nella Convenzione di Ginevra del 27 luglio 1929. Uno statuto che protegge ad un tempo il prigioniero di guerra ed i giusti interessi della Potenza detentrici relativi alla sicurezza.

4°) - Da questo consegue che se la Potenza detentrici cessa di essere nemica dello Stato nazionale del prigioniero di guerra, questi cessa di essere pericoloso perchè raggiungendo il proprio esercito non avrebbe più nè il dovere nè la possibilità di combattere contro di essa.

Non essendo egli più pericoloso, non avrebbero più ragione di essere le misure di sicurezza della "prigionia", ed il prigioniero di guerra dovrebbe cessare di essere tale per rimanere esclusivamente uno straniero suddito per forza.

2a.

Poichè poi è un assurdo legale che uno straniero, il quale non sia prigioniero di guerra, sia suddito per forza, egli dovrebbe essere subito rilasciato cioè restituito.

3199

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3199

Infatti la Convenzione di Ginevra prescrive che nello stesso trattato di armistizio si provveda al rimpatrio dei prigionieri di guerra (art. 75), perchè con l'armistizio cessa di fatto se non anche di diritto la condizione di prigioniero.

~~Articolo 10~~ contro belligeranza. Se il detto articolo ammette che lo stato di prigionia possa durare sino alla pace o magari oltre lo ammette comunque di eccezione esclusivamente.

5°) - Ora se i belligeranti non solo cessano di essere nemici ma diventano addirittura amici e se lo Stato nazionale dei prigionieri di guerra consente o decide che questi servano o lavorino per lo Stato detentore, già amico, nel suo stesso territorio, consegue che i prigionieri di guerra, già restituiti di diritto alla pura e semplice condizione di sudditi stranieri, resteranno nello Stato ex detentore come tali, come stranieri lavoratori, non come un corpo d'esercito avente una sua militare caratteristica ed individualità, perchè essi mancheranno dell'attributo più essenziale della forza militare che è l'armamento e la loro organizzazione disciplinare altro non sarà che uno strumento di coesione interna dei nuclei e di incrementazione del loro rendimento.

6°) - E allora, come sudditi stranieri organizzati che risiedono ed operano nel territorio di Stati cobelligeranti amici, i militari italiani :

1°) dovranno, per quanto concerne la disciplina militare che è l'essenza e il cemento ad un tempo della loro organizzazione interna, essere soggetti alle leggi ed ai regolamenti militari italiani per tutte le deviazioni di carattere disciplinare da essi commesse;

2°) dovranno, per quanto concerne invece gli altri rapporti, essere soggetti alle leggi del territorio nel quale risiedono, come gli altri sudditi dello Stato che li ospita.

7°) - Più esattamente, siffatta organizzazione degli ex prigionieri italiani in corpi di lavoratori non darà vita, per le ragioni esposte al paragrafo 5°, a vere e proprie unità militari operanti in territori sottoposti alla sovranità assoluta degli Stati cobelligeranti, né quindi ad istituzioni o organi in-

eccezione esclusivamente.

5°) - Ora se i belligeranti non solo cessano di essere nemici ma diventano addirittura amici e se lo Stato nazionale dei prigionieri di guerra consente o decide che questi servano o lavorino per lo Stato detentore, già nemico, nel suo stesso territorio, consegue che i prigionieri di guerra, già restituiti al diritto alla pura e semplice condizione di sudditi stranieri, resteranno nello Stato ex detentore come tali, come stranieri lavoratori, non come un corpo d'esercito avente una sua militare caratteristica ed individualità, perchè essi mancheranno dell'attributo più essenziale della forza militare che è l'armamento e la loro organizzazione disciplinare altro non sarà che uno strumento di coesione interna dei nuclei e di loro amministrazione del loro rendimento.

6°) - E allora, come sudditi stranieri organizzati che risiedono ed operano nel territorio di Stati cobelligeranti amici, i militari italiani:

1°) dovranno, per quanto concerne la disciplina militare che è l'essenza e il cemento ad un tempo della loro organizzazione interna, essere soggetti alle leggi ed ai regolamenti militari italiani per tutte le deviazioni di carattere disciplinare da essi commesse;

2°) avranno, per quanto concerne invece gli altri rapporti, essere soggetti alle leggi del territorio nel quale risiedono, come gli altri sudditi dello Stato che li ospita.

7°) - Più esattamente, siffatta organizzazione degli ex prigionieri italiani in corpi di lavoratori non darà vite, per le ragioni esposte al paragrafo 5°, a vere e proprie unità militari operanti in territori sottoposti alla sovranità assoluta degli Stati cobelligeranti, né quindi ad istituzioni o organi investiti di un potere di impero in uno stato straniero, per quanto unico.

Tali corpi, infatti, avranno un proprio ordinamento, con efficacia semplicemente interna, indispensabile per il buon funzionamento delle unità stesse e

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per il perseguimento dei fini comuni dei cobelligeranti. Detto ordinamento rifletterà, cioè, soltanto gli organici, le gerarchie, la disciplina e l'amministrazione delle varie unità e non pregiudicherà, né potrà in alcun modo limitare, la sovranità dello stato che la ospita, né l'efficacia delle sue leggi territoriali, applicabili ai sudditi temporanei, quali dovranno essere considerati i membri di dette unità, isolatamente presi (uti singuli).

8°) - Ciò premesso, è posto che esista in seno all'ordinamento costituzionale degli Stati che dovranno ospitare ed implementare tali unità, un principio che vieti l'esercizio di una qualsiasi potestà d'imperio straniera in seno al territorio degli Stati stessi o delle loro Colonie, pertinenze, Domini, ecc., Non si ha alcun motivo di ritenere necessario un apposito intervento legislativo in deroga a detto principio:

1°) perché detto principio non costituisce una norma assolutamente rigida, ma è suscettibile di una interpretazione ed applicazione elastica, che lascia in pratica ampie possibilità nel discernere quali fatti possano effettivamente violarlo o pure no. Elasticità derivante e dalla natura dell'oggetto e dei fini che il principio si propone, e della natura delle fonti giuridiche del principio stesso; il quale non pare sia sancito da una espresa, formale disposizione di legge, ma è piuttosto uno di quei principi giuridici caratteristici di ordinamenti fondati, come quello inglese, su consuetudini, usi, tradizioni o meri precedenti (cases) e quindi in gran parte legati a valutazioni di carattere politico, contingente, che ne determinano, appunto, la flessibilità pratica;

2°) perché, nella fattispecie, non si verifica una limitazione (né positiva, né negativa) della sovranità degli Stati ex detentori dei prigionieri di guerra, talché la fattispecie stessa sfugge alla applicazione del suddetto principio (che è unicamente rivolto alla tutela della sovranità), per assumere il valore di una pura e semplice forma di autonomia interna, perfettamente conforme ai principi generali degli ordinamenti anglosassoni ed, anzi, caratteristici di questi:

amministrazione delle varie unità e non pregiudicherà, né potrà in alcun modo limitare, la sovranità dello stato che la ospita, né l'efficacia delle sue leggi territoriali, applicabili ai sudditi temporanei, quali dovranno essere considerati i membri di dette unità, isolatamente presi (ut singuli).

30) - Ciò premesso, è posto che esista in seno all'ordinamento costituzionale degli Stati che dovranno ospitare ed impiegare tali unità, un principio che vieti l'esercizio di una qualsiasi potestà d'imperio straniera in seno al territorio degli Stati stessi o delle loro Colonie, pertinenze, Domini, ecc., Non si ha alcun motivo di ritenere necessario un apposito intervento legislativo

vo in deroga a detto principio :

1°) perchè detto principio non costituisce una norma assolutamente rigida, ma è suscettibile di una interpretazione ed applicazione elastica, che lascia in pratica ampie possibilità nel discernere quali fatti possano effettivamente violarlo o pure no. Elasticità derivante e dalla natura dell'oggetto e dei fini che il principio si propone, e dalla natura delle fonti giuridiche del principio stesso; il quale non pare sia sancito da una esplicita, formale disposizione di legge, ma è piuttosto uno di quei principi giuridici caratteristici di ordinamenti fondati, come quello inglese, su consuetudini, usi, tradizioni o meri precedenti (cases) e quindi in gran parte legati a valutazioni di carattere politico, contingente, che ne determinano, appunto, la flessibilità pratica;

2°) perchè, nella fattispecie, non si verifica una limitazione (né positiva, né negativa) della sovranità degli stati ex detentori dei prigionieri di guerra, talchè la fattispecie stessa sfugge alla applicazione del suddetto principio (che è unicamente rivolto alla tutela della sovranità), per assumere il valore di una pura e semplice forma di autonomia interna, perfettamente conforme ai principi generali degli ordinamenti anglosassoni ed, anzi, caratteristici di questi;

3°) perchè in sede di opportunità la soluzione indicata appare come l'unica possibile; infatti, mentre non lede alcun interesse giuridico, politico o morale degli stati ospitanti ed impieganti le unità così costituite (le quali

si pongono a loro completa disposizione ed alle quali i Comandi Alleati potranno impartire tutti gli ordini e le direttive ritenute opportune, tramite i rispettivi Comandi italiani), fa salvo il prestigio politico e morale dell'Italia ed assicura il massimo rendimento di dette unità: sia per ovvie ragioni psicologiche, sia per altrettanto ovvie ragioni tecnico-organizzative, sia infine per le possibilità di definire chiaramente ed inequivocabilmente le mansioni e le responsabilità dei comandanti italiani.

hanno imperare tutti gli ordini e le direttive ritenute opportune, avere i rispettivi Comandi italiani), fa salvo il prestigio politico e morale dell'Italia ed assicura il massimo rendimento di dette unità: sia per ovvie ragioni psicologiche, sia per altrettanto ovvie ragioni tecnico-organizzative, sia infine per le possibilità di definire chiaramente ed inequivocabilmente le mansioni e le responsabilità dei comandanti italiani.

3187

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TOP SECRET

4th April (?)

SUGGESTED POINTS FOR INTERVIEW

following???

1. I have received your letter which is completely unacceptable, and I must therefore hand it back to you.
2. I have brought with me a text of the agreement which represents the limit which my Governments are prepared to go and therefore the limit of my instructions. My object in coming is to ask you whether you are willing to sign this agreement or not.
3. If you will not my Governments are bound to take the most serious view of this failure of the Italian Government to cooperate at a critical moment for reasons which can only be regarded as totally inadequate.
4. I shall have to report this failure to my Governments.

If, nevertheless, Badoglio refuses to sign -----

5. In reporting the present position home it would help me to explain your case if you would write me a letter saying that you fully agree with any measures taken to improve the conditions of Italian Prisoners of war and to increase their opportunities to take part in the common war effort at the most critical time. A draft letter is attached.

to Mr. Phillips

3186

58

TOP SECRET

TOP SECRET

DRAFT

Our recent conversations with regard to the Italian soldiers now held as prisoners of war by the governments of the United States and the British Commonwealth have been of much value to me in clarifying the technical difficulties involved in effecting a complete change in their status. As you know I am most anxious to arrive at a settlement of this matter completely satisfactory and practical from every standpoint. While I strongly urge that the governments of the United States and British Commonwealth give consideration to the removal of Italians from prisoner of war status I appreciate the difficulties which beset such a course at the moment. However you may be sure that I completely concur in any steps which the governments may see fit to take which will improve the conditions of Italian prisoners of war and permit them increased opportunities to assist in the common war effort.

6 copies - Col. Phillimore

3185

TOP SECRET

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TOP SECRET

HQ ACC, APO 321
Rec'd *4 Apr 1944*
By *JD*

File
No. 998

Salerno, 3 April 1944

Chief of the Government

TO: General
Sir Noel Mason MacFarlane
Chief of the Allied Control Commission
Naples

Dear General MacFarlane:

With reference to our conference of yesterday, I am transmitting to you a draft of the agreement concerning the principles to apply for the use of prisoners of war now held by the Allied Governments.

I await your eventual remarks

Cordially yours,

/s/ Eadoglio

General MacFarlane
Chief of the Allied Control Commission
Naples

Dear General MacFarlane:

With reference to our conference of yesterday, I am transmitting to you a draft of the agreement concerning the principles to apply for the use of prisoners of war now held by the Allied Governments.

I await your eventual remarks

Cordially yours,

/s/ Badoglio

3184

(57)

TOP SECRET

TOP SECRET

April 3, 1944

DRAFT OF AGREEMENT FOR THE USE OF ITALIAN PRISONERS OF WAR
DETAINED BY THE AMERICAN AND BRITISH GOVERNMENTS

The Government of the United States of America and the Governments of the British Commonwealth, having accepted the Italian people as co-belligerent and the Italian Government having expressed the desire that also all officers, non-commissioned officers and soldiers of the Italian Forces held as prisoners of war by those Governments should cooperate with the British and American peoples in a common military effort for co-belligerency, stipulate the following agreement:

ARTICLE I

This agreement will remain in effect, unless modified by mutual agreement, up to the conclusion of peace between the Italian Government and the Governments of America and the British Commonwealth.

Article II

All the prisoners of war now held by the Governments of America and of the British Commonwealth shall be incorporated into military units, in any case not less than a battalion, according to law and Italian Military Customs, and they may be employed in services or undertakings of military interest in the same manner and in the same localities where white military units of America or of the British Commonwealth are used.

Article III

The said Italian military units will be organized in all the territories where there are Italian prisoners of war, through special Italian agencies, as per Art. VI. They will be formed and commanded by Italian officers and non-commissioned officers drawn from the prison camps. They will be utilized under the orders of the American or British authorities who may, for this purpose only, place in the units of a battalion and up, an American or British officer of a grade equal to the Italian commander of the unit, at the side of the Italian commander. Italian military regulations will be applied directly by Italian Commanders for disciplinary violations committed by Italian military personnel. For every act, however, which constitutes a crime there will be applied to the Italian military personnel the laws and ~~XXXXXXXXXX~~ judicial proceedings applicable to the Military personnel of the American and British Government in whose territory they reside.

Article IV

All the Officers, non-commissioned officers and soldiers of the Italian forces now held as prisoners of war in Italy (Peninsula and islands) will be immediately returned to the Italian Military Authorities.

Article V

318

ARTICLE I

This agreement will remain in effect, unless modified by mutual agreement, up to the conclusion of peace between the Italian Government and the Governments of America and the British Commonwealth.

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Article IV

All the Officers, non-commissioned officers and soldiers of the Italian forces now held as prisoners of war in Italy (Peninsula and islands) will be immediately returned to the Italian Military Authorities.

3183

Article V

The officers, non-commissioned officers and soldiers of the Italian Forces, held ~~xx~~ by the American and British Governments, will cease their status as prisoners of war when this agreement goes into effect. From the same date the provisions of the Geneva Convention of July 27 relative to prisoners of war will cease to be in effect for their components. With the going into effect of this present agreement the treatment of Italian military personnel under the jurisdiction of the American and British Governments will be regulated by the annex to the present agreement.

Article VI

For the organizational and operational needs of the Italian military units and for the care of the Italian military interests in each of the territories where prisoners of war are now held, there will be appointed by the Italian Government a commander, drawn from among the officer generals now prisoners of war. He will be the special representative of the Italian Government with the Government of the territory and, as such, will communicate directly with the Italian Gov't.

TOP SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785015

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TOP SECRET

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Article VII

The American and British Governments, insofar as is possible, will equip, arm, and train any of the Italian military units formed as indicated above and will use them at the battle fronts of cobelligerency.

Article VIII

^{of Italian}
~~Repatriation~~ military personnel now prisoners of war will be effected in due time, according to the availability of transportation means of the Governments of America and of the British Commonwealth, upon request of the Italian Government and with the consent of the detaining government, for the Italian necessity of cobelligerency, or for reasons of health, or for humanitarian reasons.

Article IX

All the Italian military personnel will be repatriated in the shortest time possible after conclusion of the peace, except such as may have been previously repatriated by common agreement between the contracting governments.

Article X

The present agreement will go into effect on May 1, 1944.

time, according to the availability of transportation means of the Governments of America and of the British Commonwealth, upon request of the Italian Government and with the consent of the detaining government, for the Italian necessity of cobelligerency, or for reasons of health, or for humanitarian reasons.

Article LX

All the Italian military personnel will be repatriated in the shortest time possible after conclusion of the peace, except such as may have been previously repatriated by common agreement between the contracting governments.

Article X

The present agreement will go into effect on May 1, 1944.

3182

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TOP SECRET

Nr. 998/ prot.



IL CAPO DEL GOVERNO

TOP SECRET

Salerno, li 3 aprile 1944

AL SIGNOR GENERALE

SIR NOEL MASON MACFARLANE

Capo Commissione Alleata di Controllo

NAPOLI

Caro Generale Mac Farlane,

Riferendomi ai nostri colloqui di ieri, le trasmetto una bozza dell'accordo circa i principi da applicare per l'impiego dei prigionieri di guerra ora detenuti dai Governi Alleati.

Resto in attesa delle sue eventuali osservazioni.

Molto cordialmente.-

3181

TOP SECRET

(57)

TOP SECRET

3 APRILE 1944

SCHEMA DI ACCORDO PER L'IMPIEGO DEI PRIGIONIERI DI GUERRA
ITALIANI DETENUTI DAI GOVERNI AMERICANO E BRITANNICO

IL GOVERNO DEGLI STATI UNITI D'AMERICA ED I GOVERNI DELLA COMUNITÀ BRITANNICA, AVENDO ACCETTATO IL POPOLO ITALIANO QUALE COBELLIGERANTE ED AVENDO IL R. GOVERNO ITALIANO ESPRESSO IL DESIDERIO CHE ANCHE TUTTI GLI UFFICIALI, SOTTUFFICIALI E MILITARI DI TRUPPA ITALIANI DETENUTI QUALI PRIGIONIERI DI GUERRA DA QUEI GOVERNI DEBBANO COLLABORARE CON I POPOLI AMERICANO E BRITANNICO NELLO SFORZO MILITARE COMUNE PER LA COBELLIGERANZA, STIPULANO IL SEGUENTE ACCORDO:

ARTICOLO I.

QUESTO ACCORDO RIMARRÀ IN VIGORE, SALVO CHE NON VENGA MODIFICATO DI COMUNE INTESA, FINO A QUANDO NON SI SIA CONCLUSA LA PACE FRA IL R. GOVERNO ITALIANO ED I GOVERNI AMERICANO E DELLA COMUNITÀ BRITANNICA.

ARTICOLO II.

TUTTI I PRIGIONIERI DI GUERRA ORA DETENUTI DAI GOVERNI AMERICANO E DELLA COMUNITÀ BRITANNICA VENGONO INCORPORATI IN UNITÀ MILITARI, IN OGNI CASO NON INFERIORI AL BATTAGLIONE, SECONDO LA LEGGE E LA CONSUETUDINE MILITARE ITALIANA, E POTRANNO ESSERE IMPIEGATI IN SERVIZI O LAVORI DI INTERESSE MILITARE NELLO STESSO MODO E NELLE STESSHE LOCALITÀ OVE SONO IMPIEGATE LE UNITÀ MILITARI BIANCHE AMERICANE O DELLA COMUNITÀ BRITANNICA.

ARTICOLO III.

LE DETTE UNITÀ MILITARI ITALIANE SARANNO ORGANIZZATE IN TUTTI I TERRITORI OVE ESISTANO PRIGIONIERI DI GUERRA ITALIANI, A CURA DEL

318

IL GOVERNO DEGLI STATI UNITI D'AMERICA ED I GOVERNI DELLA COMUNITÀ BRITANNICA, AVENDO ACCETTATO IL POPOLO ITALIANO QUALE COBELLIGERANTE ED AVENDO IL R. GOVERNO ITALIANO ESPRESSO IL DESIDERIO CHE ANCHE TUTTI GLI UFFICIALI, SOTTUFFICIALI E MILITARI DI TRUPPA ITALIANI DETENUTI QUALI PRIGIONIERI DI GUERRA DA QUEI GOVERNI DEBBANO COLLABORARE CON I POPOLI AMERICANO E BRITANNICO NELLO SFORZO MILITARE COMUNE PER LA COBELLIGERANZA, STIPULANO IL SEGUENTE ACCORDO:

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ARTICOLO III.

313

LE DETTE UNITÀ MILITARI ITALIANE SARANNO ORGANIZZATE IN TUTTI I TERRITORI OVE ESISTANO PRIGIONIERI DI GUERRA ITALIANI, A CURA DELLE SPECIALI RAPPRESENTANZE ITALIANE DI CUI ALL'ART. VI. ESSE SARANNO INQUADRATE E COMANDATE DA UFFICIALI E SOTTUFFICIALI ITALIANI, TRATTI DAI CAMPI DI PRIGIONIA.

TOP SECRET

57

TOP SECRET - 2 -

Declassified E.O. 12356 Section 3.3/NND No. 785015

PER L'IMPIEGO SARANNO POSTE AGLI ORDINI DELLE AUTORITÀ AMERICANE O BRITANNICHE LE QUALI POTRANNO, A TALE SOLO SCOPO, METTERE NELLE UNITÀ DAL BATTAGLIONE IN SU, UN UFFICIALE AMERICANO O BRITAN- NICO DI GRADO UGUALE AL COMANDANTE ITALIANO DELL'UNITÀ, A FIANCO DEL COMANDANTE ITALIANO.

PER LE MANCANZE DISCIPLINARI COMMESSE DAI MILITARI ITALIANI SA- RANNO APPLICATI DIRETTAMENTE DAI COMANDANTI ITALIANI I REGOLAMEN- TI MILITARI ITALIANI.

PER OGNI FATTO INVECE CHE COSTITUISCA REATO SARANNO APPLICATI AI MILITARI ITALIANI LE LEGGI ED I PROCEDIMENTI GIUDIZIARI APPLICA- BILI AI MILITARI DEL GOVERNO AMERICANO E BRITANNICO NEL CUI TER- RITORIO QUELLI RISIEDONO.

ARTICOLO IV

GLI UFFICIALI, I SOTTUFFICIALI ED I MILITARI DI TRUPPA ITALIANI, DETENUTI DAI GOVERNI AMERICANO E BRITANNICO, CESSERANNO DALLO STATUS DI PRIGIONIERI DI GUERRA CON L'ENTRATA IN VIGORE DEL PRE- SENTE ACCORDO.

DALLA STESSA DATA CESSERANNO DI AVERE VIGORE PER ESSI LE DISPO- SIZIONI DELLA CONVENZIONE DI GINEVRA DEL 27 LUGLIO RELATIVA AI PRIGIONIERI DI GUERRA.

CON L'ENTRATA IN VIGORE DEL PRESENTE ACCORDO IL TRATTAMENTO DEI MILITARI ITALIANI ORA IN POTERE DEI GOVERNI AMERICANO E BRITAN- NICO SARÀ REGOLATO DALL'ANNESSO AL PRESENTE ACCORDO.

ARTICOLO V

TUTTI GLI UFFICIALI, SOTTUFFICIALI ED I MILITARI DI TRUPPA ITALIA NI ORA DETENUTI QUALI PRIGIONIERI DI GUERRA IN ITALIA (PENISOLA ED ISOLE) SARANNO IMMEDIATAMENTE RESTITUITI ALLE AUTORITÀ MILITARI ITALIANE.

ARTICOLO VI

3179

LE... DAL BATTAGLIONE IN SU, UN UFFICIALE AMERICANO O BRITAN-
NICO DI GRADO UGUALE AL COMANDANTE ITALIANO DELL'UNITÀ, A FIANCO
DEL COMANDANTE ITALIANO.
PER LE MANCANZE DISCIPLINARI COMMESSE DAI MILITARI ITALIANI SA-
RANNO APPLICATI DIRETTAMENTE DAI COMANDANTI ITALIANI I REGOLAMEN-
TI MILITARI ITALIANI.
PER OGNI FATTO INVECE CHE COSTITUISCA REATO SARANNO APPLICATI AI
MILITARI ITALIANI LE LEGGI ED I PROCEDIMENTI GIUDIZIARI APPLICA-
BILI AI MILITARI DEL GOVERNO AMERICANO E BRITANNICO NEL CUI TER-
RITORIO QUELLI RISIEDONO.

ARTICOLO IV

GLI UFFICIALI, I SOTTUFFICIALI ED I MILITARI DI TRUPPA ITALIANI,
DETENUTI DAI GOVERNI AMERICANO E BRITANNICO, CESSERANNO DALLO
STATUS DI PRIGIONIERI DI GUERRA CON L'ENTRATA IN VIGORE DEL PRE-
SENTE ACCORDO.
DALLA STESSA DATA CESSERANNO DI AVERE VIGORE PER ESSI LE DISPO-
SIZIONI DELLA CONVENZIONE DI GINEVRA DEL 27 LUGLIO RELATIVA AI
PRIGIONIERI DI GUERRA.
CON L'ENTRATA IN VIGORE DEL PRESENTE ACCORDO IL TRATTAMENTO DEI
MILITARI ITALIANI ORA IN POTERE DEI GOVERNI AMERICANO E BRITAN-
NICO SARÀ REGOLATO DALL'ANNESSO AL PRESENTE ACCORDO.

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TUTTI GLI UFFICIALI, SOTTUFFICIALI ED I MILITARI DI TRUPPA ITALIA-
NI ORA DETENUTI QUALI PRIGIONIERI DI GUERRA IN ITALIA (PENISOLA ED
ISOLE) SARANNO IMMEDIATAMENTE RESTITUITI ALLE AUTORITÀ MILITARI
ITALIANE.

3179

ARTICOLO VI

PER LE ESIGENZE DI ORGANIZZAZIONE E DI FUNZIONAMENTO DELLE UNITÀ
MILITARI ITALIANE, E PER LA CURA DEGLI INTERESSI DEI MILITARI ITA-
LIANI IN CIASCUNO DEI TERRITORI OVE I PRIGIONIERI DI GUERRA SONO
ORA DETENUTI SARÀ NOMINATO DAL R. GOVERNO ITALIANO UN COMANDANTE,
TRATTO DAGLI UFFICIALI GENERALI ORA PRIGIONIERI DI GUERRA.
EGLI SARÀ IL RAPPRESENTANTE SPECIALE DEL R. GOVERNO ITALIANO PRES-
SO IL GOVERNO DEL TERRITORIO E, COME TALE, CORRISPONDERÀ DIRETTAMEN-
TE COL R. GOVERNO ITALIANO.

TOP SECRET 57

TOP SECRET

3

Declassified E.O. 12356 Section 3.3/NND No. 785015

ARTICOLO VII.

I GOVERNI AMERICANO E BRITANNICO IN QUANTO POSSIBILE EQUIPAGGERANNO, ARMERANNO, ADDESTRERANNO ALCUNE DELLE UNITÀ MILITARI ITALIANE FORMATE COME SOPRA INDICATO E LE IMPIEGHERANNO SUL FRONTE DI BATTAGLIA DELLA COBELLIGERANZA.

ARTICOLO VIII.

RIMPATRI DI MILITARI ITALIANI ORA PRIGIONIERI DI GUERRA SARANNO EFFETTUATI IN OGNI TEMPO, SECONDO LE DISPONIBILITÀ DI MEZZI DI TRASPORTO DEI GOVERNI AMERICANO E DELLA COMUNITÀ BRITANNICA, SU RICHIESTA DEL GOVERNO ITALIANO E SU CONSENSO DEL GOVERNO DETENTORE, PER LE NECESSITÀ ITALIANE DELLA COBELLIGERANZA, O PER RAGIONI DI SALUTE, O PER RAGIONI UMANITARIE.

ARTICOLO IX.

TUTTI I MILITARI ITALIANI DOVRANNO ESSERE RIMPATRIATI NEL PIÙ BREVE TEMPO POSSIBILE DOPO LA CONCLUSIONE DELLA PACE, SALVO CHE ESSI POSSANO RIMPATRIARE IN PRECEDENZA PER ACCORDI INTERVENUTI FRA I GOVERNI CONTRAENTI.

ARTICOLO X.

IL PRESENTE ACCORDO ENTRERÀ IN VIGORE DAL 1° MAGGIO 1944.

ARTICOLO VIII.

RIMPATRI DI MILITARI ITALIANI ORA PRIGIONIERI DI GUERRA SARANNO EFFETTUATI IN OGNI TEMPO, SECONDO LE DISPONIBILITÀ DI MEZZI DI TRASPORTO DEL GOVERNO AMERICANO E DELLA COMUNITÀ BRITANNICA, SU RICHIESTA DEL GOVERNO ITALIANO E SU CONSENSO DEL GOVERNO DETENTORE, PER LE NECESSITÀ ITALIANE DELLA COBELLIGERANZA, O PER RAGIONI DI SALUTE, O PER RAGIONI UMANITARIE.

ARTICOLO IX.

TUTTI I MILITARI ITALIANI DOVRANNO ESSERE RIMPATRIATI NEL PIÙ BREVE TEMPO POSSIBILE DOPO LA CONCLUSIONE DELLA PACE, SALVO CHE ESSI POSSANO RIMPATRIARE IN PRECEDENZA PER ACCORDI INTERVENUTI FRA I GOVERNI CONTRAENTI.

ARTICOLO X.

IL PRESENTE ACCORDO ENTRERÀ IN VIGORE DAL 1° MAGGIO 1944.

3173

TOP SECRET

(S)

1
2 Apr 1735
2.7.0.

OFFICE OF THE CHIEF OF THE GOVERNMENT

Salerno, 2 April 1944.

TO: GENERAL NOEL MASON MAC FARLANE
CHIEF OF THE ALLIED CONTROL COMMISSION
NAPLES

My dear General Mac Farlane,

It is not possible for me to adhere to the fundamental principles on which your Government has based itself in proposing a solution of the prisoner question.

Our prisoners therefore remain entrusted to your spirit of humanity and safeguarded by the Geneva Convention.

Very cordially

s/ BADOGLIO

3177

56



IL CAPO DEL GOVERNO

SALERNO, 2 APRILE 1944

2 Apr 1944
JH

AL GENERALE NOEL MASON MACFARLANE
CAPO DELLA COMMISSIONE ALLEATA DI CONTROLLO
N A P O L I

CARO GENERALE MACFARLANE,

NON MI È POSSIBILE ADERIRE AI PRINCIPI FONDAMENTALI SUI QUALI SI È BASATO IL SUO GOVERNO PER PROPORRE LA SOLUZIONE DELLA QUESTIONE DEI PRIGIONIERI.

I NOSTRI PRIGIONIERI RESTANO PERCIÒ AFFIDATI AL VOSTRO SPIRITO DI UMANITÀ E SALVAGUARDATI DALLA CONVENZIONE DI GINEVRA.

MOLTO CORDIALMENTE

Carlo Azeglio

3176

(56)

TOP SECRET

2897

SECRETARY GENERAL

2 APRIL 1944

TOP SECRET

Ext. 174

PRIORITY

COL. PHILLIMORE

TROOPERS

8 3 2 0 4

folio #53

YOUR EIGHT THREE TWO ZERO FOUR APRIL ONE PD PAREN TO TROOPERS FOR DEW FROM FATIMA
FROM PHILLIMORE SIGNED MACFARLANE PAREN SEE CHIEF COMMISSIONERS REPORT TO OING
MIKE ONE THREE ONE DATED APRIL TWO STATING THAT HE HAS PERCUARED BADOGLIO ON
STATUS AND COMBAND POINTS AND NOTES IT WILL NOW BE POSSIBLE TO NEGOTIATE
AGREEMENT PD FINAL INTERVIEW PROBABLE TUESDAY OR WEDNESDAY

folio #54

3175

L. T. MONTANT, JR
2nd Lt, AGD
Adjutant

55

TOP SECRET

FATIMA M131

FATIMA (GEN MACFARLANE C COMM)

2nd. April. 1944.

TOP SECRET

MAJOR DOE

PRIORITY

FREEDOM

SUBJECT PRISONERS OF WAR PD PAREN TO AMHQ FOR GENERAL WILSON UMA BRITISH/MINISTER AND
CIVIL AFFAIRS FROM FATIMA FROM MACFARLANE PERSONAL PAREN PD REFERENCE (MINE ONE TWO SEVEN)
PD IMMEDIATELY AFTER RETURN FROM SICILY BALOGGIO ASKED ME TO LUNCH TODAY TO DISCUSS
FURTHER THE POW AGREEMENT PD I THINK AND HOPE THAT IT WILL NOW BE POSSIBLE TO NEGOTIATE
AN AGREEMENT PD BALOGGIO HAS CONTRACTED TO SEND ME IN WRITING TOMORROW VARIOUS QUESTIONS
WHICH HE STILL WISHES TO CLARIFY BUT ON THE MAJOR POINTS OF DIFFERENCE NAMELY STATUS AND
COMMAND I THINK I HAVE CONVINCED HIM THAT IT IS POSSIBLE TO ACCEPT THEM WITHOUT POLITICAL
EMBARRASSMENT FOR HIM AND HIS GOVERNMENT PD I HOPE TO TELEGRAPH AGAIN VERY SHORTLY PD

ROBERT E. DOE,
Major, AGD.
Secretary-General *347*

TOP SECRET

U. S. SECRET
Equivalent British SECRET

INCOMING

/dfe

SECRET

NK

13/02

83204 FW 1

APR 011615A

APR 02

INDICATES FROM GRAPP

FREEDOM RPTD FATIMA FOR DIRECTION MASON MACFARLANE
FOR LIEUT COLONEL PHILLIMORE

Have you anything to report? what are prospects?

ACC DISTRIBUTION:

Info - Secy Gen
Dep CC
File
Float

ACTION - Col Phillimore

383.6

3175

U. S. SECRET
Equivalent British SECRET

53

Office of the British Resident Min.
NAPLES.

1st April 1944.

My dear General

I have been thinking about the Prisoners of war agreement and I feel confident that you will be able to persuade the Marshal~~x~~ to see reason. The truth is that there has been a confusion in his mind caused, I feel sure, by the narrow and pedantic advice which he has received.

If the Italians want to help, the next six months are the testing time. "Bis dat, qui cito dat". This year is the high test of the British people, who - after four and a half years of strain - face the climax of the war and the heavy losses involved.

For various technical reasons, the Italians cannot help with their blood, except to a very limited extent. They can help with their labour.

I feel sure you would be wise to use the Bari Company as a proof of our honesty of argument and at once put them under Italian Command, in spite of A.F.H.Q.; and I will take the full responsibility of anything ~~you~~ ^{you} care to promise Badoglio about the Sicilians on parole - or indeed prisoners of.....

Lt. Gen. Sir Noel Mason Macfarlane,

SV A

*plus (say) 2000
officers POWs. OK
Indie*

prisoners of war in the Italian mainland and Sicily and Sardinia generally. But - if you do make these offers - I hope you will think it right to take a stern view of a continued stubborn attitude. I think you should warn Badoglio that if he will not meet us now over this matter - where we have laboured long and patiently to convince him of the soundness and honesty of our practical arguments - the reaction of H.M.G. and U.S. Governments will be very bad indeed.

And I think that you would be quite justified in suggesting that the whole conception of the relations between the Allied Governments and Italy will not only not develop as ~~favourably~~ favourably and rapidly as we all hope, but suffer a severe and serious setback, with far-reaching consequences of which you cannot yourself foresee the conclusion.

Perhaps also you would think it wise to refuse to take 'no' as an answer, but insist on his weighing carefully your arguments before committing himself to a disastrous decision.

*J. W. [unclear]
Hubert [unclear] SVA*

3171

31 March 1944

Brief Notes for Chief Commissioner for Conversation with Badoglio

The advantages and disadvantages of the proposed scheme from the point of view of the Italians are summarised below in the event that their reiteration may be helpful in your coming discussion or of Badoglio indicating a willingness to consider the scheme on its merits as opposed to rejecting it for purely political reasons.

Advantages.

1. To the Individual.

Increased liberty* - better opportunities to contribute to the war effort - removal for all practical purposes of P/W stigma and appearance - opportunity for earning more and providing for dependents - incorporation in Italian units with Italian officers and NCOs.

(Note* Reference to increased liberty. Although their liberty must be limited, all soldiers are restricted to some extent in this respect. In general, members of these units will be restricted on military lines; liberty will be increased progressively as local circumstances and resources permit and it becomes evident that increased freedom will not be abused by them or resented by local inhabitants.)

2. To the Italian Government.

Opportunity to demonstrate their desire to cooperate fully - replacement of Protecting Power by direct liaison officers - opportunity to make capital out of increased advantages obtained for 500,000 Italians - organization of all Italian prisoners under their own officers and on military lines in preparation for their eventual return home.

Disadvantages.

1. Status - Command.

2. Lack of Universal application.

ANSWERS. As to 1, this is a political and prestige matter and is not a point which will affect the men themselves unless they misbehave; it is outweighed by the advantage to the individual of further opportunities and a very considerable increase in liberty. It is technically unavoidable. As to 2, the exceptions incorporated in the latest draft of the agreement have reduced this objection to very small proportions.

GENERAL ANSWERS.

Refusal will leave present status with all its disadvantages; it will be extremely mal vue by the British and American Governments and will be unpopular with the men themselves.

3170

(5)

Proposed Ltr to Gen. Gaggara

I must warn you, General, of the consequences to your men if you finally refuse to come to an agreement with the Governments I represent in this matter. Your main objection is on the question of status. I have already explained to you several times that for disciplinary and judicial reasons it is necessary that this status must remain.

Let me tell you what I know will be the consequences of this refusal:-

Your men now held by the Governments of the United States and British Commonwealth know full well these discussions are going on; they are looking forward to more freedom, no escorts, to being commanded by their own officers, WOs and NCOs, to loosing that form of dress which marks them as prisoners, to being able to work at specialized jobs which will be more congenial and which will improve their position and earning power after the war. In fact, they will become to all intents and purposes, free men. You yourself who have been redently a prisoner-of-war know well what this means, ~~what~~ what will happen. Your soldiers will realize that their Government has failed to come to any agreement. What will be the reaction. They will feel that their Government does not want them to work in full cooperation. Your skilled men, disappointed and frustrated, will refuse to work at ordinary agricultural work, the thousands of your men happily billeted with farmers will be unsettled and their work will suffer, disciplinary action will have to be taken, men awarded detention or imprisonment for refusing to work and then bread and water. Instead of a reasonably happy body of men, you will have a disappointed, sulky community, frustrated, suffering imprisonment. And what is more, writing home miserable letters as prisoners of war. ³¹⁶⁹ You are going to get more unfavorable reactions from your people in Italy many times worse than if you explain fairly and honestly to your people why their men must retain prisoner of war status in order to become to all intents and purposes

Your men now held by the Governments of the United States and British Commonwealth know full well these discussions are going on; they are looking forward to more freedom, no escorts, to being commanded by their own officers, WO's and NCO's, to loosing that form of dress which marks them as prisoners, to being able to work at specialized jobs which will be more congenial and which will improve their position and earning power after the war. In fact, they will become to all intents and purposes, free men. You yourself who have been redently a prisoner-of-war know well what this means, what will happen. Your soldiers will realize that their Government has failed to come to any agreement. What will be the reaction. They will feel that their Government does not want them to work in full cooperation. Your skilled men, disappointed and frustrated, will refuse to work at ordinary agricultural work, the thousands of your men happily billeted with farmers will be unsettled and their work will suffer, disciplinary action will have to be taken, men awarded detention or imprisonment for refusing to work and then bread and water. Instead of a reasonably happy body of men, you will have a disappointed, sulky community, frustrated, suffering imprisonment. And what is more, writing home miserable letters as prisoners of war. ³¹⁶⁹ You are going to get more unfavorable reactions from your people in Italy many times worse than if you explain fairly and honestly to your people why their men must retain prisoner of war status in order to become to all intents and purposes free men.

*Draft prepared by
General Depp.*

(51)

COPY

TOP SECRET

CC/P/164

FNMM/rj

31st. March, 1944.

folio 49

Thank you for your letter No.941 of March 29th..

1. I wish to assure you that I appreciate very thoroughly the importance which you attach to the question of Italian Prisoners of War; I understand equally fully your standpoint in this matter which has been made clear to me throughout by yourself and General Gazzera. I have not failed to keep the Governments which I represent fully informed in this connection.
2. As explained to yourself and to General Gazzera, the Governments which I represent insist that for technical reasons which I have frequently made clear the Italian labour units which it is desired to form must retain the status of Prisoners of War and be commanded by Allied Officers. I have, however, made the many advantages which will accrue to these Prisoners of War equally clear.
3. The instructions which I have received from the Governments which I represent are perfectly clear and allow me no latitude as regards the basic principles of the agreement which I have been instructed to negotiate with the Italian Government. No useful purpose can be served by continuing discussions on a lower level with General Gazzera until the Italian Government has accepted these principles. After such acceptance has been notified I will naturally arrange for details, including the financial arrangements, to be discussed by my representatives with General Gazzera.
4. In the meantime, as I have been unable to obtain acceptance of these principles from General Gazzera I hope that you will give me an early opportunity of discussing the question with you personally or alternatively to confirm the fact that you are not prepared to negotiate an agreement involving the basic principles to which you have raised objections so that I may inform the Governments which I represent as early as possible of the situation.

NOEL MASON MACFARLANE.
Lieutenant-General
Chief Commissioner
2118

S.E. Marshal Pietro Badoglio,
Capo del Governo.

(50)

N° 941 di prot.

Rev 32



IL CAPO DEL GOVERNO

SALERNO, 29 MARZO 1944

HQ ACC. APO 394

Sec'y Gen.

Rec'd 30 Mar 1415

By DAF

AL SIG. GENERALE NOEL MASON MACFARLANE
CAPO DELLA COMMISSIONE ALLEATA DI CONTROLLO

N A P O L I

CARO GENERALE,

IO HO GIÀ AVUTO L'ONORE DI ESPORRE A NAPOLI, QUANDO LEI MI HA PRESENTATO UN PRIMO PROGETTO SULL'UTILIZZAZIONE DEI PRIGIONIERI DI GUERRA ITALIANI, CHE QUESTO PROBLEMA È DI UN'IMPORTANZA VITALE NON SOLTANTO PERCHÈ INTERESSA L'ESISTENZA DI UN MEZZO MILIONE DI NOSTRI CONNAZIONALI, MA SPECIALMENTE PERCHÈ HA RIFLESSI ENORMI NEL PAESE OVE MEZZO MILIONE DI FAMIGLIE SONO ANSIOSISSEME SULLA SORTE DEI LORO CARI.

CIÒ SPIEGA IL PERCHÈ IO ABBIA CREATO UN ALTO COMMISSARIO CON ORGANI TECNICI SPECIALMENTE ADATTI A TRATTARE UNA MATERIA COSÌ COMPLESSA, E SPIEGA ALTRESÌ COME LA QUESTIONE DIA LUOGO A MOLTE DISCUSSIONI E NON SIA FACILE GIUNGERE AD UNA IMMEDIATA CONCLUSIONE.

PER NOI, PUR NON TRASCURANDO ANZI STABILENDO CON OGNI PRECISIONE LE CONDIZIONI MATERIALI, HA INDUBBIA VALENZA IL FATTORE MORALE.

IL NOSTRO PAESE NON COMPRENDEREBBE MAI CHE I SUOI FIGLI SIANO UTILIZZATI IN LAVORI ATTINENTI ALLA GUERRA,

3168

49



- 2 -

IL CAPO DEL GOVERNO

E CHE ALLA SERA SIANO RINCHIUSI IN CAMPI DI CONCENTRAMENTO QUALI PRIGIONIERI DI GUERRA.

IL PAESE INTIERO NON COMPRENDE CHE MENTRE SUOI FIGLI COMBATTONO AL VOSTRO FIANCO CONTRO IL COMUNE NEMICO, ALTRI SUOI FIGLI, CHE HANNO COMPIUTO IL DOVERE DI OGNI CITTADINO, UBBIDENDO AGLI ORDINI DEL GOVERNO ALLORA AL POTERE, SIANO SEMPRE CONSIDERATI COME PRIGIONIERI, PUR AVENDO ORA DIMOSTRATA OGNI VOLONTÀ DI COMBATTERE CON VOI.

BISOGNA CHE QUESTA COBELLIGERANZA NON SIA UN VANO MITO.

QUESTO LATO DEL PROBLEMA, CARO GENERALE, NON PUÒ, A MIO AVVISO, ESSERE AFFRONTATO DA NESSUNA DELLE DUE PARTI CON ASSOLUTO SPIRITO D'INTRANSIGENZA.

IO RITENGO CHE DALLA DISCUSSIONE FATTA CON AMICHEVOLI INTENDIMENTI, COME DEVE ESSERE FRA PERSONE AMATE DAGLI STESSI IDEALI, SI POSSA ADDIVENIRE AD UNA SOLUZIONE SODDISFACENTE PER ENTRAMBI.

SE LEI, CHE HA TANTE ALTRE OCCUPAZIONI, DELEGA UN SUO RAPPRESENTANTE A DISCUTERE LA QUESTIONE COL GENERALE GAZZERA, PUÒ DARSÌ CHE INSIEME TROVINO QUALCOSA DI PIÙ DI UNA NEGATIVA.

3165

(49)



IL CAPO DEL GOVERNO

- 3 -

LEI HA SEMPRE DIMOSTRATO, CARO GENERALE,
LARGA COMPRESIONE NON SOLO DELLE NOSTRE NECESSI-
TÀ, MA ESSENZIALMENTE DEL NOSTRO STATO D'ANIMO E
DELLA NOSTRA PSICOLOGIA.

CI AIUTI E CI ASSISTA IN QUESTA OCCASIONE.
MOLTO CORDIALMENTE

Badoglio

3164

(49)

SECRET

FATIMA M127

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

FATIMA (GEN MACFARLANE C COM1)

29th. March, 1944.

SECRET

PRIORITY

FROM

AFTER SEVERAL DISCUSSIONS AND CONSIDERABLE MODIFICATIONS TO ORIGINAL DRAFT GENERAL GAZZERA REFUSED AGAIN YESTERDAY TO ACCEPT THE BASIC PRINCIPLES THAT ITALIAN PRISONERS OF WAR MUST RETAIN PRISONER OF WAR STATUS AND THAT ITALIAN POW UNITS AS ENVISAGED IN THE AGREEMENT MUST BE COMMANDED FOR PURPOSES OF DISCIPLINE BY ALLIED OFFICERS PD PAREN TO AHEAD FOR CHIEF OF STAFF FROM FATIMA FROM MACFARLANE PERSONAL PAREN I HAVE ARGUED THESE POINTS AT GREAT LENGTH WITH HIM AND I TERMINATED OUR MEETING YESTERDAY WHICH WAS ATTENDED BY IRUNAS AND GAZZERA'S LEGAL EXPERT BY TELLING GAZZERA THAT FURTHER DISCUSSION BETWEEN US WAS CLEARLY PROFITLESS PD REBER AND CACCIA HAVE ATTENDED ALL MY MEETINGS WITH GAZZERA AND I HAVE HAD THE BENEFIT OF THE HELP AND ADVICE OF GENERAL GRIF AND HIS MISSION AND OF COLONEL BERRY USA PD

PART TWO PD I HAD DISCUSSED THE PRISONERS OF WAR QUESTION WITH BADOGLIO ON MONDAY AND HE GAVE ME THE VERY DEFINITE IMPRESSION THAT HE CONSIDERED THAT THERE WAS NO REASON WHY WE SHOULD NOT REACH AN AGREEMENT ACCEPTABLE BY ALL CONCERNED EMBODYING THE BASIC PRINCIPLES OF STATUS AND COMMAND WHICH HE REALISES THAT I MUST INSIST UPON PD

PART THREE PD I HAVE NOW WRITTEN TO BADOGLIO INFORMING HIM THAT I HAVE HAD TO TERMINATE

filed (47)

3163

(48)

SECRET

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

FATIMA M 127 m - 2

MY DISCUSSIONS WITH GAZZERA AND ASKING HIM IF I AM TO REGARD GAZZERA'S ATTITUDE AS THAT OF BADOGLIO AND HIS GOVERNMENT PD

PART F URPD I CONSIDER THAT IT IS STILL QUITE POSSIBLE THAT BADOGLIO WILL DECIDE TO REOPEN DISCUSSION WITH ME ESPECIALLY IN VIEW OF OUR MEETING ON MONDAY AND OF MR MACMILLAN'S TALK WITH BADOGLIO WHICH PRECEDED IT PD PRUNAS WAS CLEARLY NOT ALTOGETHER IN ACCORD WITH GAZZERA AT YESTERDAY'S MEETING PD

PART FIVE PD GEPP RETURNS TO ALGIERS ^{Today} ~~TOMORROW~~ PD DEANE AND PHILLIMORE WILL REMAIN AS LONG AS ANY HOPE OF FINDING A SOLUTION REMAINS

3162

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

SECRET

48

P/153/CC

FMW/rj

28th. March, 1944.

I have just concluded a further discussion with General Gazzera on the subject of the agreement regarding Italian Prisoners of War which I have submitted on behalf of the American Government and the Governments of the British Commonwealth.

2. As I explained to you yesterday, it is impossible for reasons of discipline only that the prisoners of war should relinquish their status as prisoners of war. Furthermore, it is for the same reason essential that for purposes of discipline involving punishments of detention or heavier punishments, Italian units, as envisaged in the agreement, must be commanded by Allied officers although the normal functions of command and administration would be carried out by their Italian officers and non-commissioned officers.

3. General Gazzera, after several discussions and considerable time for studying the question, does not accept these principles which are regarded as basic by the governments on whose behalf I am now writing. I have, therefore, told him that further discussion between us is profitless. As a result of our conversation yesterday, I understood that you yourself were by no means unhopful of finding an acceptable agreement involving the two principles to which I have just referred. As already stated, I have had to terminate my prolonged discussions with General Gazzera and I would appreciate it if you will let me know for the information of the governments concerned whether I am to accept General Gazzera's attitude as the final decision of yourself and your Government.

283.6

3161

S.E. Marshal Pietro Badoglio,
Capo del Governo.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

(47)

CC/P/157

NF

FMM/rj

27th. March, 1944.

As requested by you, I send you herewith some informal comments upon the points raised in your Note Verbale of 24th. March. These form a resume of my verbal explanations at our last discussion.

NOEL MASON MACFARLANE.
Lieutenant-General,
Chief Commissioner.

S.E. Generale Pietro Gazzera.

3160

46

Point 1. Agreement to cover Prisoners of War in French hands as having been captured under Supreme Allied Command.

Prisoners of War are held by governments and not by the Supreme Allied Commander. Some of those P/W now held by the French were captured by British or American forces and later transferred to them. They thus became a French responsibility and the question can only be settled by agreement between the French Committee and the Italian Government. The Italians themselves handed over many British P/W to the Germans long before Italy surrendered.

If the Italian Government sign the agreement, I am prepared to recommend to the United States and British Governments

1. That they should urge the French Committee either
 - a. to remedy the matters complained of by the Italian Government, or
 - b. to enter into a similar agreement with the Italian Government, and
2. Not to hand over any additional Italian P/W captured by British/American forces to the French.

Point 2. Type of Employment.

No colored British/American troops are employed on work which white troops are not equally performing. There is absolutely no distinction between types of work on which white and colored British/American troops are employed.

There is no objection in principle to units being allowed to fight.

Point 3. Question whether P/W should be allowed "to volunteer."

There is no objection to abandonment of idea of volunteering provided

- a. Formation of special units is not made completely obligatory on the detaining governments who are not at present prepared to form such units in areas where work is not available or the prisoners are unsuitable for employment as being recalcitrant or sick. The British and American Governments will, however, undertake to form these units wherever it is possible to do so and, where work is not available, all suitable prisoners will be transferred as soon as possible to areas where they can join such units. The general policy with regard to prisoners seriously sick will be to repatriate them, but no undertaking can be given in view of the shortage of shipping. As to recalcitrants, formation into special units would merely strengthen their re-

calcitrance by permitting additional opportunities to spread political disaffection, whilst to repatriate them would be unfair to those serving the common cause as co-belligerents.

- b. Italian Government will give the necessary orders to Italian P/W, whom the detaining government wish to employ, to join the units and work as ordered.

Point 4. Command.

There is no objection to Italian officers and NCOs exercising their usual functions of command and administration provided sufficient are available in each territory and provided the legal powers necessary to enforce orders are ultimately exercised by British/American officers who alone can convene and serve as members of military courts or award disciplinary or judicial sentences. (Italian officers could award minor disciplinary punishments such as deprivation of privileges, confinement to barracks or extra fatigues).

British/American command in the sense stated above is consistent with Article 45, and Italian officers will enjoy all the normal attributes of commanders, orders being generally issued by them, except that the sanction behind their orders must be exercised by British/American officers. This is legally the only possible solution, and experience has shown that it will work perfectly well in practice.

Note: Apart from its legal impossibility, insistence on sole Italian command involves certain practical difficulties; e.g., in the U.K. there are 90 Italian officers (mostly very junior) for 80,000 P/W.

Point 5. Suggestion that P/W status is inconsistent with co-belligerency.

P/W status continues under International Law until peace is restored or the P/W is repatriated. Article 75 shows that even after restoration of peace P/W status can be retained until repatriation.

Point 6. Prisoner of War Status.

If P/W status were abolished, the position in British and United States territories would be that British and American military law would cease to apply whilst Italian military law would be equally inapplicable. Thus no sentence or award by either British/American or Italian officers involving restraint of liberty in the case of any one of the half million Italian Prisoners of War now held would be legal and those responsible for enforcing such sentences or awards would themselves be liable to legal proceedings. 3158

The reasons why P/W status must be retained have already been explained in an earlier memorandum, and its retention is inevitable.

Point 7. Claim to full liberty for Italian P/W in British/American territories.

This is impossible for the following reasons:

- a. Other United Nations Governments would resent such treatment.
- b. There have been a number of instances of Italian maltreatment of British and American P/W and this is sufficiently well known as to cause resentment at home. In particular in the U.K. the treatment accorded at Benghazi has caused great bitterness.
- c. Public transport, amusement, and shopping facilities are severely limited, particularly in U.K. and unrestricted access to them would lead to great resentment.
- d. Public feeling is such that in parts of the U.S. and of the British Commonwealth it would be impossible initially to grant other than a restricted amount of liberty to Italian personnel.

The intention of the British and American Governments is to increase the degree of liberty accorded gradually as circumstances will permit in the particular locality involved.

3157

46

Memo. of 25th March
relating with various points
of General Gaidar.

Presumably this
was handed in to
the Stalins at
the meeting on
March 27th with
Marshal Badoglio, but
we have no word
of this.

9.
24 Mar 44

MEMORANDUM ON POINTS RAISED BY GENERAL GAZZERA AT MEETING ON 24TH MARCH 1944 AND INCORPORATED IN NOTE VERBALE FROM ITALIAN GOVERNMENT

Point 1. Agreement to cover Prisoners of War in French hands as having been captured under Supreme Allied Command.

~~That is impossible since the French Committee of National Liberation~~
~~has not signed the agreement.~~ Prisoners of War are held by governments and not by the Supreme Allied Commander. Some of those P/W now held by the French were captured by British or American forces and later transferred to them. They thus became a French responsibility and the question can only be settled by agreement between the French Committee and the Italian Government. The Italians themselves handed over many British P/W to the Germans long before Italy surrendered.

If the Italian Government sign the agreement, I am prepared to recommend to the United States and British Governments

1. That they should urge the French Committee either
 - a. to remedy the matters complained of by the Italian Government, or
 - b. to enter into a similar agreement with the Italian Government, and
2. ~~to hand over~~ **Not** to hand over any additional Italian P/W captured by British/American forces to the French.

Point 2. Type of employment.

No colored British/American troops are employed on work which white troops are not equally performing. There is absolutely no distinction between types of work on which white and colored British/American troops are employed.

There is no objection in principle to units being allowed to fight.

Point 3. Question whether P/W should be allowed to volunteer.

There is no objection to abandonment of idea of volunteering provided

- a. Formation of special units is not made completely obligatory on the detaining governments who are not at present prepared to form such units in areas where work is not available or the prisoners are unsuitable for employment as being recalcitrant or sick. The British and American Governments will, however,

undertake to form these units wherever it is possible to do so and, where work is not available all suitable prisoners will be transferred as soon as possible to areas where they can join such units. The general policy with regard to prisoners seriously sick will be to repatriate them, but no undertaking can be given in view of the shortage of shipping. As to recalcitrants, formation into special units would merely strengthen their recalcitrance by permitting additional opportunities to spread political disaffection whilst to repatriate them would be unfair to those serving the common cause as co-belligerents.

b. Italian Government will give the necessary orders to Italian P/W, whom the detaining government wish to employ, to join the units and work as ordered.

Point 4. Command.

There is no objection to Italian officers and NCOs exercising their usual functions of command and administration provided sufficient are available in each territory and provided the legal powers necessary to enforce orders are ultimately exercised by British/American officers who alone can convene and serve as members of military courts or award disciplinary or judicial sentences. (Italian officers could award minor disciplinary punishments such as deprivation of privileges, confinement to barracks or extra fatigues).

British/American command in the sense stated above is consistent with Article 45, and Italian officers will enjoy all the normal attributes of commanders, orders being generally issued by them, except that the sanction behind their orders must be exercised by British/American officers. This is legally the only possible solution, and experience has shown that it will work perfectly well in practice.

Note: Apart from its legal impossibility, insistence on sole Italian command involves certain practical difficulties; e.g., in the U.K. there are 90 Italian officers (mostly very junior) for 80,000 P/W.

Point 5. Suggestion that P/W status is inconsistent with co-belligerency.

~~Co-belligerency is a status with no defined rights in international law, particularly when the relation between co-belligerents is governed by military law. P/W status continues under international law until peace is restored or the P/W is repatriated. Article 75 shows that even after restoration of peace P/W status can be retained until repatriation.~~

Point 6. Prisoner of War Status.

If P/W status were abolished, the position in British and United States' territories would be that British and American military law would cease to apply whilst Italian military law would be equally inapplicable. Thus no sentence or award by either British/American or

Italian officers involving restraint of liberty in the case of any one of the half million Italian Prisoners of War now held would be legal and those responsible for enforcing such sentences or awards would themselves be liable to legal proceedings.

The reasons why P/W status must be retained have already been explained in an earlier memorandum, and its retention is inevitable.

Point 7. Claim to full liberty for Italian P/W in British/American territories.

This is impossible for the following reasons:

Other British Nations

a. ~~Other Governments~~ Governments would resent such treatment.

b. There have been a number of instances of Italian maltreatment of British and American P/W and this is sufficiently well known as to cause resentment at home. In particular in the U.K. the treatment accorded at Benghazi has caused great bitterness.

~~c. The British Army who captured large numbers would resent complete liberty and would not be able to maintain it.~~

c. Public transport, amusement, and shopping facilities are severely limited, particularly in U.K. and unrestricted access to them would lead to great resentment.

d. ~~opportunities for social relations with women would cause severe public criticism and have a serious effect on the morale of troops overseas.~~

f. Public feeling is such that in parts of the U.S. and of the British Commonwealth it would be impossible initially to grant other than a restricted amount of liberty to Italian personnel.

The intention of the British and American Governments is to increase the degree of liberty accorded gradually as circumstances will permit in the particular locality involved.

3154

46

SECRET

2604

NF

SECRETARY GENERAL

26 MARCH 1944

SECRET

Ext. 174

OPERATIONAL PRIORITY

General ONPP

TROOPERS

ITALIAN GOVERNMENT ARE STILL OBJECTING TO THE RETENTION OF PRISONERS OF WAR
PARAN
STATUS PD TO TROOPERS FOR EVELYN AND SMITH FROM ONPP FROM FATIMA SIGNED
MAGARLAIN PARAN THEY HAVE BEEN GIVEN TILL TUESDAY NEXT TWENTY EIGHT PD
IF THEY DO NOT AGREE BY THEN IT WOULD APPEAR THAT FURTHER NEGOTIATIONS WILL
BE WASTE OF TIME PD I SHALL BE LEAVING HERE WEDNESDAY NEXT TWENTY NINTH

363.6—

3153

L. F. MONTANT, JR
2nd Lt, AGO
Adjutant

SECRET

45

HIGH COMMISSIONER FOR PRISONERS OF WAR

No.23

Cava dei Tirreni, 24 March 1944.

VERBAL NOTE

1. The draft of an agreement between the American and British Governments on one hand and the Italian Government on the other in regard to organization and employment of Italian prisoners of war captured by the Armed Forces of the aforementioned Governments and by other forces operating under their orders, has been the object of much attention by the R. Italian Government.

In conclusion of its minute study, the R. Government makes the following observations.

2. Above all it is to be pointed out that the project omits from consideration in its preamble the prisoners of war which by the British and American Governments have been transferred to the jurisdiction of other Governments in violation of Law, as for instance those who have been transferred to the French Committee of Liberation and who most urgently need this agreement. The military reorganization must comprise all Italian prisoners of War who have been captured by the Armed Forces of the proponent Governments or by other Forces operating under their orders.

3. The ~~XXXX~~ agreement project is based on three fundamental provisions:

- a) use of Italian prisoners of War for any service or work and in any place as would be done with any American or British soldier(supplementary note);
- b) Establishment of Italian Units from prisoners of war who volunteer for such services or work;
- c) Maintenance of the treatment provided in the Geneva Convention of 27 July 1949 for all Italian prisoners of War, both separate or incorporated.

4. To make available the use of Italian prisoners of War for any service or work of

military interest as would be the case for any soldier(of the white race, well understood) of the American or British Armed Forces, truly corresponds to the views of the Italian Government. But this latter in truth has also requested that its prisoners of War may also be used in combat, because it is its desire that they may also contribute like their free comrades of the Armed Forces and like the Italian People, in the best way possible, to the fight against the Germans on the field of cobelligerency. And precisely this possibility would be denied to the Italian prisoners of War in the plan under study.

5. Also the organization of the Italian Units does not correspond in the way in which it is provided in the draft, to the needs of the Italian State. It does not correspond by dint of the criterion of voluntary participation by Italian prisoners of War which it intends to follow, because:

either the Italian Government does not authorize the employment of its prisoners of War in undertakings prohibited by the Geneva Convention(~~XXXXXXXXXX~~ essentially those which have a direct connection with the war operations of the Detaining Power) and then no Italian prisoner of War can take part;

- or the Italian Government orders that this employment be effected and then none of its prisoners may exempt himself from obeisance.

The Italian soldier, prisoner of War, who voluntarily helped the Detaining Power in the above mentioned undertaking, would commit a serious offense according to Italian penal Law, because necessarily connected with his quality as prisoner of war is the legal ~~status~~ ^{status} of belligerent enemy. Besides, the prohibition made in regard to such work in the Geneva Convention is so absolute that not even voluntary assistance should be accepted by the Detaining Powers.

On the other hand if the Italian Government should accord with the Detaining Governments that its prisoners of war undertake work of integral military collaboration with the Armed Forces of the latter, the Italian prisoners of war would not exempt themselves

from compliance, because in our Country ~~XXXX~~ military service has always been compulsory and the Italian prisoners of War are, even in a state of imprisonment, always to be considered as military personnel in service under provisions of the national military laws.

6. The constitution of military units ~~XXXXXXXXXX~~ then does not answer the needs of the Italian State, not even for ^{what} ~~how~~ it has been proposed.

Because above all not even the character of "Italian" Units has been assured to it, in the draft the American and British Governments reserving themselves the right to permit this "as far as possible"; and in the second place, as has been ~~XXXXXXXXXX~~ specified in the supplementary non-official note, also the military units of Italian character should be commanded by officers of the American or British Armed Forces.

So that the military units to be formed can acquire a truly Italian military character, it is, ^{necessary} that not only disciplinary and administrative control be in the hands of Italian officers, but that these, and above all, exercise full command, because it is especially in the exercise of command that are realized and manifested the basic elements of the Italian military character: the hierarchical authority and unity of the ^{organization} ~~department~~.

Naturally, for determination of employ and for all orders relative thereto, these units must remain at the complete disposal of the British or American Military Authorities. In the same message of Marshal Badoglio of October 11th had been established that the Italian Units "will be commanded by specially designated Italian Prisoner of War officers".

7. It may therefore be concluded in regard to this fundamental point of the plan, that the units formed from Italian prisoners of war must have ^{obligatory} ~~XXXXXXXXXXXXXXX~~ Italian and organic/military character and therefore must be ~~XXXXXXXXXXXXXX~~ established

3151

for all Italian Prisoners of War who have been captured by the contracting Allied States and therefore in all Camps; and they must be placed under the Command of Italian officers, excepting that then they may be utilized by the Allied military Authorities. Only in this organic setup of all Italian Prisoners of War, the firm will of the R. Government to give an utmost measure of collaboration and the duty of the Italian Prisoners of War to support this effort, can find united and effective expression and the participating Governments find their best support.

8. As finally regards the pretense to keep for all Italian Prisoners of War, both incorporated or separate, the treatment provided in the Geneva Convention relative to Prisoners of War, it is to be pointed out:

- a) that it does not appear to comply ^{with} ~~to~~ the premises of the preamble of the project;
- b) that it constitutes a serious legal misconception.

9. Because of the fact that the American and British Governments(and also the Russian),having accepted cobelligerency, as stated in the draft, this obviously signifies that the Italian Forces must, with the other forces which fight or serve or work for the common goal, on the field of collaboration be aligned at least in service, in work, but above all in combat(if participation is permitted) as also in military and human dignity. The sentiments of Italianity and the military feelings of the Italian soldiers who live in prison camps are no different from those which pulsate in the souls of their comrades in arms who in their Home Country in five months of cobelligerency have ceaselessly and silently collaborated by every sacrifice with the allied military effort.

10. On the other hand, and because war imprisonment is, in accordance with the spirit of the Geneva Convention, but a measure intended to prevent the captured combatant from taking up arms again against the detainee belligerent, it is obvious

that it has no more reason of existence in regard to Italian military personnel, if legality is to be respected, now that they are to fight or serve outright together with the Armed Forces of the States, which detain them, against a common enemy. Reference is made, it is true, in the supplementary note, to the difficulties which would be encountered in that event in the United States of America and Great Britain to carry out orders of English, or American, or Italian officers, who might impose restrictions on the personal freedom of the Italian military personnel; but without discussing this problem (which furthermore is not clearly stated) it is believed that it be sufficient to point out how the military personnel belonging to all the Nations fighting against the Germans circulate freely in the British Dominions and the territory of the United States and who are, when erring, punished without compromising the military discipline in such territories.

It is therefore not understood what obstacle there still could be in the way of restoration to Italian prisoners of war of all their personal rights and military responsibilities.

11. The R. Government must therefore insist on the legal, military and moral necessity that all Italian prisoners of war be incorporated into units according to law and Italian military customs and commanded by Italian officers and that their utilization be organized outside of war prisoner regulations just as in Italy the work which is done by our Units for the Allied Forces has been organized, excepting of course the fullest applications which military necessity might require. And all the more it must persist in this request as it coincides with the treatment which the United States War Department had officially offered as far back as ~~XXXX~~ 3150 October 1943 in their camps to thousands of Italian officer prisoners of war held in that Country.

To that end and with the intention of facilitating ~~XXXXXXXXXXXXXXXXXXXX~~ the decisions of the proponent Governments, a concrete plan of settlement of Italian Military

Personnel has been prepared for the Italian Prisoners of War, based precisely on the above mentioned principles, which is presented for the study of the ~~XXXX~~ Governments concerned.

12. Only such a settlement which is presented for the attention of the American and British Governments, could-

restore to Italian prisoners of war the fullness of their spirit of collaboration which ~~they~~ continued imprisonment, in spite of cobelligerency, cannot fail but have effected;

convince the Italian People, which has great confidence in the generosity and spirit of justice of the Allies, that the common cause of cobelligerency must be served without reservations and restrictions;

- neutralize enemy propaganda which among Italians of the territories still occupied by the Germans attempts to discredit the Authority of the Italian Government and wipe out in the sentiment of Italians every moral prestige ~~from~~ ^{of} the Allies, making a particular point of this continued detention of our military prisoners in spite of the realization of cobelligerency;

offer to the Allied Governments an opportunity to give to the Italian Government and People a proof of trust in this ~~XXXXXXXXXX~~ vital matter.

General Pietro Gazzera

TOP SECRET

DRAFT OF AN AGREEMENT ON THE USE OF PRISONERS OF WAR

The Government of the United States of America and the Governments of the British Commonwealth, having accepted the Italian People as cobelligerents and the Italian Government having expressed the desire that also all officers, non-commissioned officers and soldiers of Italian troops captured as prisoners of War by the British or American Armed Forces or by those of other States but operating under their Command, should cooperate with the American and British People in the common military effort for cobelligerency, enter into the following agreement.

Par. 1.

This agreement will remain in effect, unless modified by common accord, until conclusion of peace between the Italian Government and the British and American Governments.

Par. 2.

All Italian Prisoners of War captured by the Armed ^{Forces} of the British Commonwealth of Nations and those of the United States of America as also of the Armed Forces of other States operating under ~~their~~ ^{the} Command of the British or American Military Authorities, are incorporated into military units according to law and Italian military customs and they may be employed in services or undertakings of military interest in a manner similar to that of ~~XXX~~ Units of the Government of the United States and the Governments of the British Commonwealth, composed of military personnel of the white race and in the same localities.

3149

Par. 3.

The Italian military Units will be organized in all territories where there are Italian Prisoner of War Camps, through special Italian military agencies, as per art. 6 below.

They will be formed by Italian officers and non-commissioned officers and commanded by Italian officers drawn from the prison camps, but for ^{qualification} ~~use~~ will be placed directly under the orders of the British or American Military Authorities.

Par. 4.

The details of organization of the Italian military Units and the treatment of their members and their overstrength personnel are specified in the ~~XXXXXX~~ annex to this agreement.

Par. 5.

The provisions of the Geneva Convention relative to prisoners of war will cease to be in effect for their components from the date of establishment of the individual Italian military Units.

Par. 6.

For the organizational and operational needs of the Italian military Units direct relations between the Government of the United States and the British Government respectively on one hand, and the Italian Government on the other, will be established through special Italian agencies which will be formed by the Italian Government in the Countries where Italian Prisoners of War are held. These special Italian agencies can communicate directly with the Italian Government.

Par. 7.

The American and British Governments may also equip, arm, train and use the Italian military Units in combat on the fronts of co-belligerency, always under orders of the Italian officers and non-commissioned officers of the Units themselves.

Par. 8.

Repatriation of Italian military personnel now prisoners of war may be effected at any time in accordance with the available means of transportation of the British and American Governments on request by the Italian Government for the Italian needs of

cobelligerency and for health and humanitarian reasons.

Art. 9

All Italian military personnel shall be repatriated within the shortest possible period after the conclusion of peace, excepting that in consequence of special agreements arrived upon between the contracting Governments they may be repatriated previously.

Repatriation will take place by unit in agreement with the special Italian representative

XXXXXXXXXX

- 3 -

TOP SECRET 3148

(44)

N. 23.

Cava dei Tirreni, 24 marzo 1944

NOTA VERBALE

1.- Il progetto di accordo tra i Governi Americano e Britannico da una parte e il Governo Italiano dall'altra circa l'organizzazione e l'impiego dei prigionieri di guerra italiani entrati nelle Forze Armate dei predetti Governi e da altre forze operanti sotto i loro ordini, è stato oggetto di viva attenzione da parte del R. Governo Italiano.

A conclusione dell'esaurito esame il R. Governo presenta le seguenti osservazioni.

2.- Analizzato devonsi notare che il progetto omette di considerare nella premessa i prigionieri di guerra che sono stati del Governo Americano e da quello Britannico trasferiti in potere di altri Governi, pur con violazione della legalità, come ad esempio quelli che sono stati ceduti al Comitato Prussiano di liberazione e che sono i più urgentemente bisognosi dell'accordo. La riorganizzazione militare deve investire tutti i prigionieri di guerra italiani che sono stati catturati ^{dalla forza armata} dai diversi proporzioni o da altre forze operanti sotto i loro ordini.

3.- Il progetto di accordo si fonda su tre provvedimenti fondamentali:

- a) applicazione dei prigionieri di guerra italiani a qualunque servizio o lavoro e in qualunque luogo come si farebbe con qualsiasi soldato americano o britannico (nota aggiuntiva);
- b) costituzione di unità italiane con i prigionieri di guerra che volontariamente si offrissero per assolvere tale servizio o lavoro;
- c) conservazione del trattamento previsto nella Convenzione di Ginevra del 27 luglio 1929 per tutti i prigionieri di guerra italiani sia isolati,

- 1.- Il progetto di accordo tra i Governi Americano e Britannico da una parte e il Governo Italiano dall'altra circa l'organizzazione e l'impiego dei prigionieri di guerra italiani catturati dalle Forze Armate dei predetti Governi e da altre forze operanti sotto i loro ordini, è stato oggetto di viva attenzione in parte del R. Governo Italiano, è stato oggetto di A conclusione dell'accordo esprime il R. Governo presenta le seguenti osservazioni.
- 2.- Analizzando dovessi notare che il progetto emette di considerare nella premessa i prigionieri di guerra che sono stati del Governo Americano e da quello Britannico trasferiti in potere di altri Governi, pur con violazione della legalità, come ad esempio quelli che sono stati ceduti al Comitato Francese di liberazione e che sono i più urgentemente bisognosi dell'accordo. La riorganizzazione militare deve investire tutti i prigionieri di guerra italiani che sono stati catturati ~~dalle Forze Armate~~ ^{dalla parte} dei governi proponerli o da altre forze operanti sotto i loro ordini.
- 3.- Il progetto di accordo si impernia su tre provvedimenti fondamentali :
 - a) applicazione dei prigionieri di guerra italiani a qualunque servizio o lavoro e in qualunque luogo come si farebbe con qualsiasi soldato americano o britannico (nota 225-unitiva);
 - b) costituzione di unità italiane con i prigionieri di guerra che volontariamente si offrissero per disimpegnare tale servizio o lavoro;
 - c) conservazione del trattamento previsto nella Convenzione di Ginevra del 27 luglio 1929 per tutti i prigionieri di guerra italiani sia isolati, sia incorporati.
- 4.- Rendersi possibile l'applicazione dei prigionieri di guerra italiani a

- 2 -

qualsiasi servizio o lavoro di interesse militare come lo farebbe qualsiasi militare (di razza bianca, s'intende) delle Forze Armate americane o britanniche, risponder veramente ad un orientamento del Governo Italiano. Ma questo per la verità, ha anche chiesto che i suoi prigionieri di guerra possano essere impiegati anche nel combattimento perché vuole che anche essi possano concorrere come i loro compagni liberi delle Forze Armate e come tutto il popolo italiano, nel modo migliore, alla lotta contro i tedeschi sul terreno della coesistenza.

E questa possibilità purtroppo sarebbe invece negata ai prigionieri di guerra italiani nel progetto in esame.

5.- Anche la costituzione delle unità italiane non corrisponde per il modo con il quale è prevista nel progetto, alle necessità dello Stato Italiano. Non vi corrisponde per il criterio della partecipazione volontaria da parte dei prigionieri di guerra italiani che intende seguire, perché :

- o il Governo Italiano non autorizza l'impiego dei suoi prigionieri di guerra nei lavori proibiti dalla Convenzione di Ginevra (essenzialmente in quelli che hanno rapporto diretto con le operazioni di guerra della Potenza Detentrica) e allora nessun prigioniero di guerra italiano può attendere ad essi;

- oppure il Governo Italiano dispone che questo impiego si effettui e allora nessuno dei suoi prigionieri può esimersi dall'obbedire.

Il militare italiano prigioniero di guerra il quale prestasse volontariamente l'opera propria alla Potenza Detentrica nei lavori sopra indicati, commetterebbe secondo la legge penale italiana, un grave reato, perché alla sua qualità di prigioniero di guerra è necessariamente correlativa per la Potenza detentrica la veste giuridica di belligerante nemico.

Del resto il divieto che è fissato a riguardo di questi lavori nella Convenzione di Ginevra è così assoluto che neppure la prestazioni volontarie so-

rispondere veramente ad un orientamento del Governo Italiano. Ma questo per la verità, ha anche chiesto che i suoi prigionieri di guerra possano essere impiegati anche nel combattimento perché vuole che anche essi possano concorrere come i loro compagni liberi delle Forze Armate e come tutto il popolo italiano, nel modo migliore, alla lotta contro i tedeschi sul terreno della collaborazione.

E questa possibilità purtroppo sarebbe invece negata ai prigionieri di guerra italiani nel progetto in esame.

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Del resto il dubbio che è risorto a riguardo di questi lavori nelle Convenzioni di Ginevra è così assoluto che neppure le prestazioni volontarie dovrebbero essere accettate dalle Potenze Detentrici.

D'altra parte se il Governo Italiano convenisse con i Governi Detentrici che i suoi prigionieri di guerra prestassero opera di collaborazione militare integrale con le Forze Armate di quelli, non potrebbero i prigionieri di guerra italiani esimersi dall'obbedire, perché nel nostro Paese la prestazione

- 3 -

del servizio militare è stata sempre obbligatoria e i prigionieri di guerra italiani, sono, pur nello stato di prigionia da considerarsi sempre come militari in servizio agli effetti della legge militare nazionale.

6.- Non corrisponde poi la costituzione di unità militari alla necessità dello Stato italiano neppure ^{per} come è stata proposta.

Perché prima di tutte non è neanche esaurito ed esse il carattere di unità "italiana", riservandosi nel progetto i Governi Americano e Britannico di consentire ciò "per quanto possibile"; e in secondo luogo perché, per quanto è previsto dalla nota aggiuntiva non ufficiale, anche le unità militari a carattere italiano dovrebbero essere comandate da ufficiali delle Forze Armate americane o britanniche.

Affinché le unità militari costituite possano acquistare veramente il carattere militare italiano è necessario che non soltanto sia designato da ufficiali italiani il controllo disciplinare e amministrativo di esse ma che esse anche e soprattutto esercitato da quelli in pieno il comando perché è specialmente nell'esercizio del comando che si realizza e si manifestano gli elementi basilari del carattere militare italiano: l'autorità gerarchica e l'unità del reparto.

Naturalmente per la determinazione dell'impiego e per tutti gli ordini e questo relativi, queste unità devono rimanere a completa disposizione della Autorità militari americane o britanniche.

Nello stesso messaggio del Maresciallo Tedoglio dell'11 ottobre era fissato che le unità italiane "saranno comandate da ufficiali italiani prigionieri di guerra specialmente designati".

7.- Si può pertanto concludere a riguardo di questo fondamentale punto del progetto che le unità formate con prigionieri di guerra italiani devono avere carattere obbligatorio ed organico militare italiano e quindi devono essere costituite per tutti i prigionieri di guerra italiani che sono stati

6.- Non corrisponde poi la costituzione di unità militari alle necessità dello Stato Italiano neppure ^{per} come è stata proposta.

Perché prima di tutto non è neanche esauriente ad esse il carattere di unità "italiana", riservevioni nel progetto i Governi Americano e Britannico di consentire ciò "per quanto possibile"; e in secondo luogo perché, per questo è previsto della nota escluditive non ufficiale, anche le unità militari a carattere italiano dovrebbero essere comandate da ufficiali delle forze armate americane o britanniche.

Affinché le unità militari costituite possano acquistare veramente il carattere militare italiano è necessario che non soltanto sia disimpegnato da ufficiali italiani il controllo disciplinare e amministrativo di esse ma che sia anche e soprattutto esercitato da quelli in pieno il comando perché è specialmente nell'esercizio del comando che si realizza e si manifesta gli elementi basilari del carattere militare italiano: l'autorità gerarchica e l'unità del reparto.

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7.- Si può pertanto concludere a riguardo di questo fondamentale punto del progetto che le unità formate con prigionieri di guerra italiani devono avere carattere obbligatorio ed organico militare italiano e quindi devono essere costituite per tutti i prigionieri di guerra italiani che sono stati catturati dagli Stati Alleati convenuti e perciò in tutti i casi; e devono essere poste sotto il comando di ufficiali italiani, salvo poi ad essere trasferite dalle Autorità militari Alleate.

31

Solamente in questo accordo impedimento di tutti i prigionieri di guerra italiani la massima volontà del R. Governo di dare il massimo apporto di collaborazione e il dovere dei prigionieri di guerra italiani di assicurare questo sforzo per contribuire a trovare unitarie, ed infine espressioni e potrebbero i Governi contendenti revivere la loro maggiore convenienza.

8.- Per quanto infine concerne la pretesa di conservare per tutti i prigionieri di guerra italiani che incorporati sia isolati il trattamento previsto nella Convenzione di Ginevra relativa ai prigionieri di guerra, e da essere vero :

- a) che essa non ^{sarebbe} corrispondere alle ^{pure} disposizioni del preambolo del progetto;
- b) che essa realizza una grave antinomia legale.

9. Perciò il fatto che i Governi Americano e Britannico (e anche quello Russo) abbiano accettato la collaborazione, come si promette nel progetto, significa evidentemente che le forze italiane devono con le altre forze che combattono o servono o lavorano per lo scopo comune essere sul terreno della collaborazione allineate almeno nel servizio, nel lavoro, ma soprattutto nel combattimento (se fosse consentito di parteciparvi) anche nella dignità militare ed umana.

Il sentimento di italianità e quello militare dei soldati italiani che vivono nel campo di prigionia non sono diversi da quelli che palpitano nell'animo dei loro compagni d'arme che in Francia in cinque mesi di collaborazione hanno indifferenzemente e silenziosamente collaborato con ogni sforzo allo sforzo militare alleato.

10.- Del resto, poiché la prigionia di guerra non è, secondo lo spirito della Convenzione di Ginevra, che una misura di sicurezza diretta ad impedire che il combattente catturato possa riprendere le armi contro il belligerante detentore, è evidente che essa non ha più ragione di essere nei confronti

secondare questo sforzo potrebbero trovare unitaria, efficace espressione che
e potrebbero i Governi contrari non avere la loro migliore convenienza.

8.- Per quanto infine concerne la pretesa di conservare per tutti i prigionieri di guerra italiani sia incorporati sia isolati il trattamento previsto nella Convenzione di Ginevra relativa ai prigionieri di guerra, è da esser-

vere :

- a) che essa non ^{sembra} ~~non~~ si fonda sulle proposizioni del preambolo del progetto;
- b) che ^{pure} essa resterebbe una grave antinomia legale.

9. Perciò il fatto che i Governi Americano e Britannico (e anche quello Russo) abbiano accettato la obbligatorietà, come si presume nel progetto, significa evidentemente che le forze italiane lavorano con le altre forze che combattono o servono o lavorano per lo scopo comune essere sul terreno della collaborazione allineate almeno nel servizio, nel lavoro, nel contributo nel combattimento (se fosse consentito ai partigiani) nonché nella dignità militare ed umana.

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si fa è vero, nelle note aggiuntive, cenno a difficoltà che s'incontrerebbero, in tale evenienza, negli Stati Uniti d'America e nella Gran Bretagna per dare efficienza agli ordini degli ufficiali inglesi o americani o italiani, i quali importassero a carico dei militari italiani restrizioni della libertà personale; ma, senza entrare nel vivo della questione (che del resto non è posta con chiarezza), si crede che basti osservare come i militari appartenenti a tutte le nazioni che combattono contro i tedeschi circolino liberamente nei Dominii Britannici e nel territorio degli Stati Uniti e siano, quando errano, puniti senza che la disciplina militare sia in detti territori compromessa.

Non si comprende pertanto quale impedimento possa ostacolare ancora questo ripristino dei prigionieri di guerra italiani nella pienezza della loro personalità e responsabilità militare.

11.- Il R. Governo non può perciò fare a meno di insistere sulla necessità giuridica, militare e morale che tutti i prigionieri di guerra italiani siano ancorati in unità costituite secondo la legge e la consuetudine militare italiana e comandate da ufficiali italiani e che sia il loro impiego organizzato fuori dei regoli della prigionia di guerra su per giù come è organizzato in Italia il lavoro che viene prestato dai nostri reparti per le Forze Alleate, salvo naturalmente le più ampie applicazioni che la esigenza militari fossero per richiedere. E tanto più deve insistere in queste richieste in quanto esse coincidono con il trattamento che il Ministero della Guerra degli Stati Uniti aveva ufficialmente offerto fin dall'ottobre del 1943 nei loro campi e migliaia di ufficiali italiani prigionieri di guerra detenuti in quel paese.

A questo fine è nell'intento di facilitare al Governo proponente le loro determinazioni è stato preparato per i prigionieri di guerra italiani uno schema concreto di sistemazione dei militari italiani informato appunto ai principi sovraesposti che si presenta all'esame dei Governi interessati.

per dare efficienza agli ordini degli ufficiali inglesi o americani o italiani, i quali importassero a carico dei militari italiani restrizioni della libertà personale; ma, senza entrare nel vivo della questione (che del resto non è posta con chiarezza), si crede che basti osservare come i militari appartenenti a tutte le nazioni che combattono contro i tedeschi circolino liberamente nei Domini britannici e nel territorio degli Stati Uniti e siano, quando errano, puniti senza che la disciplina militare sia in dati territori compromessa.

Non si comprende pertanto quale inceppamento possa ostacolare ancora questo ripristino dei prigionieri di guerra italiani nella pienezza della loro personalità e responsabilità militare.

11.- Il R. Governo non può perciò fare a meno di insistere sulla necessità giuridica, militare e morale che tutti i prigionieri di guerra italiani siano incorporati in unità costituite secondo la legge e le consuetudine militare italiana e comandate da ufficiali italiani e che sia il loro impiego organizzato fuori dei regoli della prigionia di guerra su per giù come è organizzato in Italia il lavoro che viene prestato dai nostri reperti per le Forze Alleate, salvo naturalmente le più ampie applicazioni che le esigenze militari fossero per richiedere. E tanto più deve insistere in queste richieste in quanto esse coincidono con il trattamento che il Ministero della Guerra degli Stati Uniti aveva ufficialmente offerto fin dall'ottobre del 1943 nei loro campi a migliaia di ufficiali italiani prigionieri di guerra detenuti in quel Paese.

A questo fine e nell'intento di facilitare ai Governi proponenti la loro determinazione è stato preparato per i prigionieri di guerra italiani uno schema concreto di sistemazione dei militari italiani informato appunto ai principi sovraesposti che si presenta all'esame dei Governi interessati.

3143

12.- Solamente questa sistemazione che si presenta all'attenzione dei Governi Americani e Britannici potrebbe :

- restituire ai prigionieri di guerra italiani la dignità del loro sacrificio di collaborazione che questo permanere delle prigionie sconsigliante la cobelligeranza non può non avere intaccato;
- restituire al popolo italiano che nutre una grande fiducia nella libertà e nello spirito di giustizia degli Alleati che la causa comune della cobelligeranza deve essere servita senza riserve e senza reticenze;
- neutralizzare la propaganda nemica che fra gli italiani dei territori ancora occupati dai tedeschi tenta disadattare l'entusiasmo del Governo Italia e togliere nel sentimento degli italiani ogni prestigio morale agli Alleati, facendo perno appunto su questo permanere dello stato di prigionia nei nostri militari prigionieri nonostante la sopravvenuta cobelligeranza;
- offrire al Governo Alleati una occasione per dare al Governo e al popolo italiano una prova di fiducia in questa nostra collaborazione.

generale Pietro Gajone

Schema di accordo per l'impiego dei prigionieri di guerra

Il Governo degli Stati Uniti d'America ed i Governi della Comunità Britanica, avendo accettato il popolo italiano quale cobelligerante ed avendo il Governo Italiano espresso il desiderio che anche tutti gli ufficiali, sottufficiali e militari di truppa italiani catturati quali prigionieri di guerra dalle Forze Armate Britanniche o Americane o da quelle di altri Stati ma operanti sotto il loro comando debbano collaborare con i popoli americani e britannici nello sforzo militare comune per la cobelligeranza, stipulano il seguente accordo.

Art. 1°

Questo accordo rimarrà in vigore, salvo che non venga in comune inteso modificato, fino a quando non sia conclusa la pace fra il Governo Italiano e i Governi Britannico ed Americano.

Art. 2°

Tutti i prigionieri di guerra italiani catturati dalle Forze Armate della Comunità Britannica delle Nazioni e da quelle degli Stati Uniti d'America nonché delle Forze Armate di altri Stati operanti sotto il comando della Autorità Militari Britanniche o Americane sono incorporati in unità militari secondo la legge e la consuetudine militare italiana e potranno essere impiegati in servizi o lavori di interesse militare in modo uguale a quello svolto dalle unità del Governo degli Stati Uniti e dei Governi della Comunità Britannica composte di militari di razza bianca e delle stesse località.

Art. 3°

Le unità militari italiane saranno organizzate in tutti i territori nel quali esistono campi di prigionieri di guerra italiani e cure della specie la rappresentanza militare italiana di cui al seguente articolo. Esse saranno inquadrate da ufficiali e sottufficiali italiani e comandate da ufficiali italiani tratti dai campi di prigionia, ma saranno per l'impie-

3146

Il Governo degli Stati Uniti d'America ed i Governi della Comunità Britannica, avendo accettato il popolo italiano quale collaborante ed avendo il Governo Italiano espresso il desiderio che anche tutti gli ufficiali, sottufficiali e militari di truppa italiani catturati quali prigionieri di guerra delle Forze Armate Britanniche o Americane o da quelle di altri Stati ma operanti sotto il loro comando debbano collaborare con i popoli americani e britannici nello sforzo militare comune per la sovranità, ecc. l'ultimo il seguente accordo.

Art. 1°

Questo accordo rimarrà in vigore, salvo che non venga di comune intesa modificato, fino a quando non sia conclusa la pace fra il Governo Italiano e i Governi Britannico ed Americano.

Art. 2°

Tutti i prigionieri di guerra italiani catturati nelle Forze Armate della Comunità Britannica delle Nazioni e da quelle degli Stati Uniti d'America nonché delle Forze Armate di altri Stati dovranno essere il comando delle Forze Armate Britanniche o Americane sono incorporati in unità militari secondo la legge e la consuetudine militare italiana e potranno essere impiegati in servizi o lavori di interesse militare in modo normale e quello previsto nelle unità del Governo degli Stati Uniti e del Governo della Comunità Britannica comprese le unità in riserva bianca e nelle stesse unità.

Art. 3°

Le unità militari italiane saranno organizzate in tutti i territori nei quali esistano campi di prigionieri di guerra italiani e cura della spesa di mantenimento militare italiana di cui al seguente articolo. Zone saranno indicate da ufficiali e sottufficiali italiani comandate da ufficiali italiani tratti dai campi di prigionia, ma saranno per l'impiego e posto in servizio agli ordini delle Forze Armate Britanniche o Americane.

31.6.
31.7

Art. 4°

Le modalità di organizzazione delle unità militari italiane e il trattamento dei loro componenti e dei quadri esuberanti risultano dall'armistizio al presente accordo.

Art. 5°

Dalla data di costituzione delle singole unità militari italiane cessano di avere vigore per i loro componenti le disposizioni della Convenzione di Ginevra relative ai prigionieri di guerra.

Art. 6°

Per le esigenze di organizzazione e di funzionamento delle unità militari italiane saranno costituite relazioni dirette fra il Governo degli Stati Uniti e il Governo Britannico rispettivamente da una parte e il Governo Italiano dall'altra mediante speciali rappresentanze italiane che saranno nominate a cura del Governo Italiano nei paesi nei quali i prigionieri di guerra italiani sono detenuti.

Queste rappresentanze speciali italiane potranno corrispondere direttamente con il Governo Italiano.

Art. 7°

I Governi Americano e Britannico potranno anche equipaggiare, armare, addestrare ed impiegare le unità militari italiane nel combattimento sui fronti della collaborazione, sempre agli ordini degli ufficiali e sottufficiali italiani delle unità stesse.

Art. 8°

Alimentari di militari italiani ora prigionieri di guerra potranno essere effettuati in ogni tempo secondo la disponibilità dei mezzi di trasporto dei Governi Americano e Britannico su richiesta da parte del Governo Italiano per le necessità italiane della collaborazione e per ragioni di salute e umanitarie.

Art. 9°

Tutti i militari italiani dovranno essere rimpatriati nel più breve tempo possibile dopo la conclusione della pace, salvo che per particolari mo-

...l'impresione delle unità militari italiane e il travo-
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del presente accordo.

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sidenza.

Il Rimpatrio avverrà per unità di intesa con la rappresentanza italiana
in

TRANSLATION

HQ ACC, APO 394
Secy Gen
Rec'd 30 Mar 1600
BY DEF

File No. 941

Salerno, 29 March 1944.

OFFICE OF THE CHIEF OF THE GOVERNMENT

TO: GENERAL NOEL MASON MACFARLANE
CHIEF OF THE ALLIED CONTROL COMMISSION
N A P L E S

My dear General:

I have already had the honor of explaining to you at Naples, when you presented to me the first plan on the utilization of Italian Prisoners of War, that this problem is of vital importance not only because it concerns the existence of a half million of our Co-Nationals, but especially because it has enormous effects upon the Country where a half million families are most anxious about the fate of their loved ones.

This explains why I have created a High Commissioner with technical Agencies specially adapted to handle such a complex matter, and also explains why the problem gives rise to many discussions and why it is not easy to reach an immediate solution.

For us, even though not disregarding, but with every care establishing the material conditions, the moral factor has undoubtedly precedence.

Our Country would never comprehend that its sons be used in war pertinent work, and that in the evening they would be locked within Concentration Camps as Prisoners of War.

The entire Country does not understand that while its sons fight at your side against the common enemy, others of its sons who have fulfilled the duty of every citizen, obeying the orders of the Government then in power, are still considered as prisoners even though having demonstrated every desire of fighting with you.

It is necessary that this co-belligerency be not an idle myth.

This side of the problem, my dear General, cannot in my opinion be met by either of the two Parties in an absolute spirit of intransigence.

I believe that from a discussion had with friendly intent, as should be the case between persons animated by the same ideals, one could arrive at a solution satisfactory for both.

If you, who have so many other concerns, delegate your representative to discuss the matter with General Gazzera, it may be that together they will find something more than a negative solution.

You have always demonstrated, my dear General, broad understanding not only of our needs, but essentially of our spirit and our

the existence of a half million of our co-nationals, but especially because it has enormous effects upon the country where a half million families are most anxious about the fate of their loved ones.

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For us, even though not disregarding, but with every care establishing the material conditions, the moral factor has undoubted precedence.

Our Country would never comprehend that its sons be used in war pertinent work, and that in the evening they would be locked within Concentration camps as Prisoners of War.

The entire Country does not understand that while its sons fight at your side against the common enemy, others of its sons who have fulfilled the duty of every citizen, obeying the orders of the Government then in power, are still considered as prisoners even though having demonstrated every desire of fighting with you.

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You have always demonstrated, my dear General, broad understanding not only of our needs, but essentially of our spirit and our psychology.

Help us and assist us in this problem.

Very cordially Yours.

/s/ RADOGLIO

Annunzio

Mar 31

(49)

TOP SECRET

DRAFT OF AGREEMENT FOR THE USE OF PRISONERS OF WAR

The Government of the United States of America and the Governments of the British Commonwealth, having accepted the Italian people as co-belligerent and the Italian Government having expressed the desire that also all officers, non-commissioned officers and soldiers of the Italian Forces held as prisoners of war by those Governments should cooperate with the British and American peoples in a common military effort for cobelligerency, stipulate the following agreement.

Article 1.

This agreement will remain in effect, unless modified by mutual agreement, up to the conclusion of peace between the Italian Government and the Governments of the British Commonwealth and of the U.S.A.

Article 2.

All prisoners of war held by the Governments of the British Commonwealth and of the United States shall as far as possible be organized into Italian military units with Italian insignia and badges of rank and they may be used in services or work of a military character in the same way and in the same localities as units of the forces of the Governments of the British Commonwealth and United States may be employed.

Article 3.

These Italian military units will so far as possible be organized in any area where there are Italian prisoners of war. They will be organized with Italian officers and non-commissioned officers drawn as soon as practicable from prisoners of war camps. The units will be commanded by British and American officers but the Italian officers and non-commissioned officers will be permitted as far as possible to carry out all their normal command and administrative functions. The units will be utilized directly under the orders of the British or American military authorities.

Alternative Article 3.

These Italian military units will so far as practicable be organized in any area where there are Italian prisoners of war. They will be organized with Italian officers and non-commissioned officers drawn from prisoners of war camps, who will be permitted as far as possible to carry out all their normal command and administrative functions and through whom in general any orders from the British or American authorities will be given. For the purposes of jurisdiction and the enforcement of discipline and military law they will be commanded by British or American officers. They will be utilized directly under the orders of the British or American military authorities.

Article 4.

Except for prisoners of war whom it is undesirable or impossible to include in these military units for political, health or other causes, all prisoners of war held by the Governments of the British Commonwealth and of the United States and who are embodied in these Italian military units will cease to be treated as prisoners of war although it is necessary for them to retain their status.

Article 2.

All prisoners of war held by the Governments of the British Commonwealth and of the United States shall as far as possible be organized into Italian military units with Italian insignia and badges of rank and they may be used in services or work of a military character in the same way and in the same localities as units of the forces of the Governments of the British Commonwealth and United States may be employed.

Article 3.

These Italian military units will so far as possible be organized in any area where there are Italian prisoners of war. They will be organized with Italian officers and non-commissioned officers drawn as soon as practicable from prisoners of war camps. The units will be commanded by British and American officers but the Italian officers and non-commissioned officers will be permitted as far as possible to carry out all their normal command and administrative functions. The units will be utilized directly under the orders of the British or American military authorities.

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Article 4.

Except for prisoners of war whom it is undesirable or impossible to include in these military units for political, health or other causes, all prisoners of war held by the Governments of the British Commonwealth and of the United States and who are embodied in these Italian military units will cease to be treated as prisoners of war although it is necessary for them to retain prisoner of war status for purposes of pay, correspondence and discipline involving detention or heavier penalties.

With the exception of the clauses dealing with the above questions, the Geneva Convention relative to the treatment of prisoners of war and of the wounded and sick in armies in the field is suspended by mutual agreement from 1st May, 1944. The treatment of all such personnel shall, however, continue to be no less favourable than that assured by the Prisoner of War Convention.

TOP SECRET 43

Article 5.

In order to safeguard the interests of all such Italian service personnel and to assist in the organization and operation of the Italian military units, specially selected officers will be appointed to discharge the functions hitherto exercised by the protecting power in the countries where Italian prisoners of war are held. These officers will correspond directly with the Italian Government.

Article 6.

The American and British Governments may also equip, arm, train and employ Italian military units in combat against the common enemy under the command of the officers and non-commissioned Italian officers of these units.

Article 7.

On request of the Italian Government for the Italian needs of cobelligerency and for health and humanitarian reasons, repatriation of the Italian military personnel now prisoners of war may be effected at any time subject to the express consent of the detaining Government concerned and to the availability of the means of transportation.

Article 8.

All Italian military personnel shall be repatriated within the shortest period practicable after conclusion of the peace, except such as may have been previously repatriated in accordance with Article 7.

Article 7.

On request of the Italian Government for the Italian needs of cobelligerency and for health and humanitarian reasons, repatriation of the Italian military personnel now prisoners of war may be effected at any time subject to the express consent of the detaining Government concerned and to the availability of the means of transportation.

Article 3.

All Italian military personnel shall be repatriated within the shortest period practicable after conclusion of the peace, except as may have been previously repatriated in accordance with Article 7.

3139

TOP SECRET

The Government of the UNITED STATES and the Governments of the British Commonwealth, having accepted the Italian people as Cobelligerents, and the Italian Government having expressed the desire that all Italian Officers, Warrant Officers, and enlisted personnel at present held as prisoners of war by the British Commonwealth and the UNITED STATES should work together with the American and British peoples in Military activities in the form of special services, the following agreement is confirmed:

This agreement shall remain in force, unless modified by earlier agreement, until peace is restored respectively between the Italian Government and the other Governments concerned.

The Italian Government confirms that the application of articles 9, 31, and 32 of the GENEVA Prisoners of War Convention of July 27, 1929, is suspended insofar as those articles restrict the location and nature of employment, and that the provisions of the convention concerning functions of the protecting power and its Representatives are replaced by direct relations between the Government of the UNITED STATES and the Governments of the British Commonwealth of Nations, respectively, on the one part, and the Italian Government on the other. Provision for the welfare of the Italian personnel concerned will be made by setting up the necessary special Italian representation in the countries in which such personnel are located, with power to discharge the functions hitherto exercised by the protecting power.

Italian volunteers now, or hereafter, as and when practicable, may be enrolled in service units, will perform work in the Military effort similar to that performed by service units of the Government of the United States and of the Governments of the British Commonwealth and to that being performed at this time in the Mediterranean Area by existing service units composed of similar Italian personnel. Such volunteers shall serve under United States or British Commonwealth Command, and as far as possible, the units in which the volunteers are enrolled will bear the character of Italian Units. The Italian personnel covered by this agreement, both those organized into service units and those not so organized, shall enjoy the benefit of all provisions of the Prisoners of War Convention except those which have been suspended as incompatible with the desired cooperation between the Governments concerned.

*Italian Counter draft of 24th March. 2*DRAFT OF AGREEMENT FOR THE USE OF PRISONERS OF WAR

The Government of the United States of America and the Governments of the British Commonwealth, having accepted the Italian People as co-belligerent and the Italian Government having expressed the desire that also all officers, non-commissioned officers and soldiers of the Italian Forces taken prisoners of war by the British or American Armed Forces or by those of other countries, but operating under their command, should cooperate with the British and American Peoples in a common military effort for cobelligerency, stipulate the following agreement.

Par.1.

This agreement will remain in effect, unless modified by mutual agreement, up to the conclusion of peace between the Italian Government and the British and American Governments.

Par. 2

All prisoners of war captured by the Armed Forces of the British Commonwealth of Nations and those of the United States of America, as also of the Armed Forces of other Countries operating under ~~their~~ command of the British or American Military Authorities, are incorporated into military units according to ~~XXXXXX~~ Italian military laws and customs and they can be used in services or work of military character in a similar way as rendered by units of the Government of the United States and Governments of the British Commonwealth, composed of soldiers of the white race and in the same localities.

Par.3

These Italian Military Formations will be organized in all areas where there are Italian prisoners of war through the special Italian military representatives, as per article 6 below.

They will be organized by Italian officers and non-commissioned officers and commanded by Italian officers drawn from the prison camps, but for their work will be placed directly under the orders of the British or American Military Authorities.

Par.4

The details of organization of the Italian military Units and the treatment of their components and their cadre are specified in the annex to this agreement.

Par.5.

From the date of constitution of the individual Italian military Units, the regulations of the Geneva Convention relative to prisoners of war will cease to be in effect.

Par.6

For the organizational needs and the operation of the Italian Military Units, direct relations between the Government of the United States and the British Government respectively on one side and the Italian Government on the other will be established through special Italian ~~XXXXXXXXXXXX~~ agencies which will be constituted by the Italian Government in the countries in which the Italian Prisoners of War are held. These special Italian agencies can correspond directly with the Italian Government.

Par.7.

The American and British Governments may also equip, arm, train and employ the Italian military Units in combat on the fronts of cobelligerency, always under the orders of the officers and non-commissioned Italian officers of these units.

Par.8.

Repatriation of the Italian military personnel now prisoners of war may be effected at any time according to the availability of the means of transportation of the American and British Governments on request of the Italian Government for the Italian needs of cobelligerency and for health and humanitarian reasons.

Par.9.

All Italian military personnel shall be repatriated within the shortest period possible after conclusion of the peace, excepting that by virtue of special agreements stipulated between the contracting Governments they may be repatriated previously.
Repatriation will take place by unit in agreement with the special Italian agencies.

DRAFT OF AGREEMENT FOR THE USE OF PRISONERS OF WAR

The Government of the United States of America and the Governments of the British Commonwealth, having accepted the Italian People as co-belligerent and the Italian Government having expressed the desire that also all officers, non-commissioned officers and soldiers of the Italian Forces held as prisoners of war by those Governments should cooperate with the British and American Peoples in a common military effort for cobelligerency, stipulate the following agreement.

Article 1

This agreement will remain in effect, unless modified by mutual agreement, up to the conclusion of peace between the Italian Government and the Governments of the British Commonwealth and of the U.S. A.

Article 2

All prisoners of war held by the Governments of the British Commonwealth and of the United States shall as far as possible be organized into Italian military units with Italian [uniforms] insignia, and badges of rank and they may be used in services or work of a military character in the same way and in the same localities as units of the forces of the Governments of the British Commonwealth and United States may be employed.

Article 3

These Italian Military Units will so far as possible be organized in any area where there are Italian prisoners of war. Their connection with special Italian military officers is set out in Article 5. They will be organized with Italian officers and non-commissioned officers drawn as soon as practicable from prisoner of war camps, and they will be utilized directly under the orders of the British or American Military Authorities.

Article 4

Although in order to provide for the continuation of pay, jurisdiction and discipline

Article 1

This agreement will remain in effect, unless modified by mutual agreement, up to the conclusion of peace between the Italian Government and the Governments of the British Commonwealth and of the U.S. A.

Article 2

All prisoners of war held by the Governments of the British Commonwealth and of the United States shall as far as possible be organized into Italian military units with Italian ~~uniforms~~ insignia, and badges of rank and they may be used in services or work of a military character in the same way and in the same localities as units of the forces of the Governments of the British Commonwealth and United States may be employed.

Article 3

These Italian Military Units will so far as possible be organized in any area where there are Italian prisoners of war. Their connection with special Italian military officers is set out in Article 5. They will be organized with Italian officers and non-commissioned officers drawn as soon as practicable from prisoner of war camps and they will be utilized directly under the orders of the British or American Military Authorities.

Article 4

3139

Although in order to provide for the continuation of pay, jurisdiction and discipline the present status of all Italian service personnel held by the Governments of the British Commonwealth and of the United States must be retained, the remaining provisions of the Geneva Conventions relative to the treatment of prisoners of war and of the wounded and sick in armies in the field are suspended by mutual agreement from 1st May 1944. The treatment of all such personnel, shall, however, continue to be no less favorable than that assured by the Prisoner of War Convention.

Article 5

In order to safeguard the interests of all such Italian service personnel and to assist in the organization and operation of the Italian Military Units, specially selected officers will be appointed to discharge the functions hitherto exercised by the Protecting Power in the countries where Italian prisoners of war are held. These officers will correspond directly with the Italian Government.

Article 6

The American and British Governments may also equip, arm, train and employ the Italian Military Units in combat on the fronts of cobelligerency, always under the orders of the officers and non-commissioned Italian officers of these units.

Article 7

Repatriation of the Italian military personnel now prisoners of war may be effected at any time according to the availability of the means of transportation of the American and British Governments on request of the Italian Government for the Italian needs of cobelligerency and for health and humanitarian reasons.

Article 8

All Italian military personnel shall be repatriated within the shortest period practicable after conclusion of the peace, excepting that by virtue of special agreements stipulated between the contracting Governments they may be repatriated previously.

The American and British Governments may also equip, arm, train and employ the Italian Military Units in combat on the fronts of cobelligerency, always under the orders of the officers and non-commissioned Italian officers of these units.

Article 7

Repatriation of the Italian military personnel now prisoners of war may be effected at any time according to the availability of the means of transportation of the American and British Governments on request of the Italian Government for the Italian needs of cobelligerency and for health and humanitarian reasons.

Article 8

All Italian military personnel shall be repatriated within the shortest period practicable after conclusion of the peace, excepting that by virtue of special agreements stipulated between the contracting Governments they may be repatriated previously.

3134

(43)

New chart

ARTICLE 3.

*(Not yet shown to
Italians)*

These Italian military units will so far as practicable be organized in any area where there are Italian prisoners of war. They will be organized with Italian officers and non-commissioned officers drawn from prisoner of war camps, who will be permitted as far as possible to carry out all their normal command and administrative functions and through whom in general any orders from the British or American authorities will be given. For the purposes of jurisdiction and the enforcement of discipline and military law the units will be commanded by British or American officers. They will be utilized directly under the orders of the British or American military authorities.

3133

43

War ch-11

ARTICLE 4.

*(Show to J. Williams
on March 28)*

Except for Prisoners of War whom it is undesirable or impossible to include in these military units for political, health or other causes, all Prisoners of War held by the Governments of the British Commonwealth and of the United States and who are embodied in these Italian military units will cease to be treated as Prisoners of War although it is necessary for them to retain Prisoner of War status for purposes of pay, correspondence and discipline involving detention or heavier penalties.

With the exception of the clauses dealing with the above questions, the Geneva Convention relative to the treatment of Prisoners of War and of the wounded and sick in armies in the field is suspended by mutual agreement from 1st May, 1941. The treatment of all such personnel shall, however, continue to be no less favourable than that assured by the Prisoner of War Convention.

3132

(43)

SECRET

RF

2472

SECRETARY GENERAL

23 MARCH 1941

SECRET

Est. 174

OP-PRIORITY

General GEPF

TROOPERS

WIRE NO. 22000 REFERENCE NUMBER AND DATE OF COS ORDER TO AFHQ SUBJECT FIFTY FIFTY
AGREEMENT TO PAYEN TO TROOPERS FOR PW ONE FROM DPM FROM FATIMA SIGNED MAGFARIANE
PAYEN REPEAT YOUR TELEGRAM TO AFHQ FOR FICAB

313.6

3137

42

L. T. MONTAG, JR
2nd Lt, AGO
Adjutant

SECRET

SECRET

2427

SECRETARY GENERAL

SECRET

PRIORITY

22 MARCH 1944

Ext. 174

GENERAL GENT

TROOPERS

ITALIAN CABINET STILL CONSIDERING AGREEMENT PD PAYEN TO TROOPERS PERSONAL FOR
ABLE GEORGE FROM GEPF FROM FATIMA SIGNED MAGFARIANE ZARKEN CHIEF COMMISSIONER
WANTS ME AVAILABLE WHEN THEIR REPLY RECEIVED PD HOPE ARRIVE BACK WEDNESDAY
TWO NINE

3136-

3136

L. T. MONTANT, JR
2nd Lt, AGO
Adjutant

41

SECRET

REC-24 Mar 0950
BY 278.

GENERAL PIETRO GAZZERA

CONFIDENTIAL

Cava dei Tirreni, 23 March 1944.

20/P

My dear General: *folio 39*

I refer to your letter of last night.

Tomorrow Friday, 24th inst., if it is possible for you in the afternoon hours, which kindly indicate, I would be very glad to have another conference with you to discuss the project of an agreement for the use of Italian military personnel, still prisoners of war.

In the meanwhile the fundamental principles could be examined and after your return from your visit to Sicily I hope that the proposals regarding the economic and financial dispositions will have been communicated to us, so that we can agree on the essential methods for the carrying into effect of the agreement and of which they are an integral part.

With cordial regards.

/s/ Pietro Gazzera

General Pietro Gazzera
High Commissioner for Prisoners of War

TO: Lt. General Noel Mason Mac Farlane
President Allied Control Commission.

*Replied by phone.
3.30 p.m.*

*hm 24 21
3*

3129

40

20/3.

L. GENERALE PIETRE GAZZERA

Confidenziale

HO ACC. APO 304
Sec. V. Gen.
Rec'd 24 Mar 0130
By *[Signature]*

Cava dei Tirreni, 23 marzo 1944

Caro Generale,

Mi riferisco alla Sua lettera di ieri.

Domani venerdì, 24 corr., ove la sia possibile nelle ore pomeridiane che la pregherei di indicarmi, sarò ben lieto di avere una nuova conferenza con lei per discutere il progetto di accordo per l'impiego dei militari italiani tuttora prigionieri di guerra.

Potremo essere esaminati intorno i principi fondamentali, e per il suo ritorno delle visite in Sicilia io spero che ci saranno state comunicate le proposte circa il trattamento economico e finanziario, sicché ci potremo concordare anche le modalità essenziali per l'esecuzione dell'accordo e che di esso fanno parte integrante.

con cordiali saluti

[Signature]

Generale Pietro Gazzera
Alto Commissario per i prigionieri di guerra

Al Sig. Tenente Generale Noel Mason Mac Parlane
Presidente Commissione Alleata di Controllo

312.

CC/P/147

CONFIDENTIAL

FNMW/rj

22nd. March, 1944.

file #38

Thank you for your letter of 19th. March.

1. I am very glad to hear that your study of the question is proceeding rapidly and I hope that you will be in a position to discuss the agreement further with me at a very early date. As I may be proceeding to Sicily for a short visit at the end of this week I trust that you will be able to meet me again not later than Friday.
2. As regards the financial questions involved. These do not affect the main agreement and it is unnecessary that they should be considered in connection with our principal task which is to reach agreement on the main agreement.
3. In the meantime and in confirmation of my remarks on the occasion of our last meeting I am in a position to inform you that the Allied Governments intend that the Italian Government will be ultimately responsible for all issues of pay regarded as advances on their behalf. The issues of pay referred to are the issues of pay to all grades and ranks of the service units consisting of Italian volunteers. Other financial questions relate to the rates of advances which will necessarily vary in the different areas involved but which will not increase the liability of the Italian Government under the Geneva Convention.
4. I am sure that you share my desire that our discussions on the main agreement should not be prolonged or affected by these financial considerations which can be dealt with separately.

3136-

S.E. Generale Pietro Gazzera.

NOEL MASON ³¹²⁷ ~~3127~~ LANE.
Lieutenant-General,
Chief Commissioner.

(Handwritten signature)
39

HQ ACC, APO 394
Rec'd 20 Mar 1955
By: [Signature]

TRANSLATION

GENERAL PIETRO GAZZERA

Cave Dei Tirreni, 19 March 1944

General:

I thank you very kindly for sending the non-official note explaining some points of the agreement plan communicated me yesterday.

I await sending of the part concerning the economic treatment.

Meanwhile the study of the problem is rapidly proceeding, the Council of Ministers being greatly interested due to its great importance.

You may count on my full spirit of cooperation inspired by war comradeship and my concern to act quickly.

With cordial greeting.

/s/ Pietro Gazzera
Pietro Gazzera
Generale d.d'Armata
High Commissioner for the Prisoners of War

To: Lieutenant General
Noel Mason MacFarlane
President of the Allied Control Commission
SALERNO

Stencils an explanatory note
which has been seen by Richter
& ^{Gazera} ~~MacFarlane~~. Richter has some doubts on
the advisability of dropping, at this
stage, in any detail
on the financial
points. A draft
note on this is
also attached.

21/3 L.C. Gapp

Political Section
General Gapp

3126

on agree phase for
short hospital
draft note to
explanatory financial
Gazera on
question as far as we can
now go.

(38)

SECRET

File 2311

NF

Office of the Secretary General

20 March 1944

SECRET

W.P. 174

IMMEDIATE

GENERAL DEPT

TROOPERS

File #32

PERSONAL FOR DEPT FROM DPM TO ~~DEPT~~ TO TROOPERS FROM ~~DEPT~~ SIGNED MACCHIARE
~~DEPT~~ THAT HAS RPT ~~DEPT~~ THREE FOUR FIVE PRESENTED GAZETTE AND PHOTOS BY
MACCHIARE SATURDAY MARCH EIGHTEENTH TO DEPT OF ITALIAN GOVERNMENT REPORTED
WEDNESDAY TWO TWO OR THURSDAY TWO THREE MARCH

3836-

3125

SECRET

L. T. MONTANT JR.
2nd Lt, AGO
Adjutant

37

